

1 ones will feel disenfranchised." Do you know of what percentage
2 of the registered voters actually turned out to vote in the
3 general election in 2010?

4 MR. BLEDSOE: I do know that the numbers of
5 overall minority vote was lower. I can't stand here and cite
6 for you the actual number, but I do know it was lower than in
7 the past in terms of the percentage of the vote that was
8 minority. I do know, like in Harris County, I think the Latino
9 vote was extremely low in that county.

10 And I know that when you say that in Indiana or
11 Georgia that the numbers went up, you have an apparition. You
12 have the candidacy of Barack Obama that throws off and skews all
13 the figures. So you have to take other elections to look at to
14 have an appropriate --

15 REPRESENTATIVE HARLESS: Even though neighboring
16 states like Mississippi did not have an increase in turnout in
17 2008, even though Georgia did and Mississippi does not have a
18 photo ID?

19 MR. BLEDSOE: And I haven't looked at the
20 Mississippi figures, and I don't know that you can say that
21 there is a one 100 percent correlation. But I think you can
22 clearly say that it's very clear that there is a dominant theme,
23 and that is that minority turnout was much higher in 2008 than
24 it was in other places. And it may be that one can cherry pick
25 and find, well, this state didn't have a higher turnout. That



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1 could be an apparition to other reasons. I think we need to
2 look at what the minority voter turnout was in Mississippi and
3 see if that was higher than in 2004. And I would suggest it
4 probably would be.

5 And I know we look at -- I was at a seminar the
6 other day, and they said that in Obama's Candace /SEU 1 out of
7 11 whites voted for him in Alabama, 1 out of 10 in Mississippi,
8 1 out of 7 in Louisiana, but in Texas he received 35 percent of
9 the white vote. But you can see the disaffection in some of
10 those communities, like when you mentioned Mississippi. There
11 may be other reasons why there was not a greater voter turnout.

12 REPRESENTATIVE HARLESS: I want to mention that
13 I'm very confident that this bill will meet the test of the U.S.
14 Supreme Court and also for pre- clearance because there are
15 certain standards that they've asked that be upheld, and that is
16 that the bill deters and detects fraud, that it protects public
17 confidence in the election, that it counts only eligible voters'
18 votes, and also provides access for free ID, allows for
19 provisional ballots and in ballot absentee ballots and ensures
20 obtaining a photo ID is no more burdensome or inconvenient than
21 the actual act of voting. And we also provided exemptions for
22 elderly, disabled and indigent. So I'm very confident that our
23 bill meets these standards. And thank you so much for being
24 here today.

25 MR. BLEDSOE: You're quite welcome.



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1 CHAIRMAN BONNEN: We're down to only a few
2 minutes here before we need to break for session.
3 Representative Gutierrez, do you have -- you don't have to but
4 -- Representative, Veasey.

5 Thank you, Mr. Bledsoe. We appreciate your
6 testimony here today.

7 MR. BLEDSOE: Chairman, thank you very much.

8 CHAIRMAN BONNEN: Thank you. Give me a public
9 witness. We're going to do one more public witness. They have
10 three minutes, and that way we'll keep moving. Chair calls
11 Colleen Vera, retired teacher, here to testify for the committee
12 substitute Senate Bill 14. You have three minutes.

13 MS. VERA: My name is Colleen Vera. I represent
14 myself, and I am for the committee substitute. I am a native
15 Texan and retired Texas teacher. I volunteered to work as a
16 poll watcher during the early voting in 2010. In that one day I
17 witnessed two situations that I would like to share with you.
18 First, I observed a voter who showed the election clerk two
19 voter registration cards, and she said, "They had me down with
20 two names." Both cards had the same address, but the first card
21 had the voter's legal name and the second had her nickname.
22 Because the voter was an honest citizen, she showed both cards
23 to the clerk and the clerk used one with the voter's legal name.
24 Had the voter been dishonest, it would have been very simple for
25 her to vote twice.



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1 Second, I observed a voter who spread out
2 multiple voter registration cards like a deck of cards. She
3 said, "Which one do I use here? They always send me extras."
4 The clerk told the voter she would have to decide. So the voter
5 handed the clerk one, the clerk confirmed the registration and
6 she proceeded to vote. Again, had she not been an honest
7 citizen, it would have been very easy for her to vote more than
8 one time.

9 It is remarkable to me that in the year 2011,
10 with the growth of technology, that we are even questioning the
11 need for photo ID for something as important as voting. We all
12 know how prevalent identity theft is, and the State of Texas
13 should be doing everything in its power to prevent identity
14 theft in voting.

15 In my opinion, the easiest way to prevent fraud
16 is to provide photo ID from a government issued source. I have
17 read the arguments that requiring a photo ID to vote
18 discriminates against the elderly, the disabled, and the poor.
19 So just like I taught my students to do, I went online and did a
20 little research of my own.

21 Did you know that if you go to Medicare.gov
22 you'll find a document No. 11343 that states the first time you
23 use your new Medicare prescription drug plan you need to bring
24 to the pharmacy your Medicare card and a photo ID such as a
25 state driver's license or a passport? Then I searched the Texas



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1 Health and Human Services Commission to find Form M5017 which
2 lists the documents you need to send with applications for food
3 stamps, temporary assistance for needy families, medical
4 assistance or Medicaid for elderly and people with disabilities.
5 They all require a valid driver's license or Department of
6 Public Safety ID card to even apply.

7 This shows that the State of Texas already
8 requires photo ID to apply for social services for the elderly
9 and people with disabilities. So I do not see how anyone could
10 reasonably argue that the same photo could not be used to insure
11 proper ID for voting. Thank you for your time.

12 CHAIRMAN BONNEN: Thank you for your time. Any
13 questions, members? Thank you. Appreciate your being here.

14 Members, at this time the chair would like to
15 withdraw the committee substitute to Senate Bill 14, and I will
16 leave Senate Bill 14 pending before the Committee. And it's the
17 Chair's intention to, as reasonably quickly after session ends,
18 reconvene the Committee and begin hearing the witnesses again,
19 when session is in recess. So the Committee stands in recess.
20 Thank you, members.

21 (Recess)

22 CHAIRMAN BONNEN: Voter identification and voter
23 fraud is now called to order, and the clerk will please call the
24 role.

25 CLERK: Bonnen?



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1 CHAIRMAN BONNEN: Here.

2 CLERK: Veasey? Hilderbran? Hochberg?

3 REPRESENTATIVE HOCHBERG: Here.

4 THE CLERK: Pena?

5 REPRESENTATIVE PENA: Here.

6 THE CLERK: Taylor? Gutierrez? Harless?

7 REPRESENTATIVE HARLESS: Here.

8 THE CLERK: Aliseda?

9 REPRESENTATIVE ALISEDA: Here.

10 CHAIRMAN BONNEN: And Mr. Gutierrez is present.

11 THE CLERK: Gutierrez?

12 CHAIRMAN BONNEN: Perfect. He's present. Good.

13 Quorum is present. And just for those of you in the audience
14 who are watching, we're at a particularly busy time of session.
15 And so this is a very important issue to all the members, but I
16 know like Representative Hochberg is doing appropriations and
17 public ed, and I know Representative Harless, I don't know if
18 y'all have redistricting today. But you will see the members
19 coming and going. It's not due to a lack of interest or concern
20 for the issue. But we at this point in session we're usually
21 scheduled to be, if we're lucky, at least three places at one
22 time. So that's where you'll see members coming and going. And
23 we appreciate your understanding.

24 The Chair lays out Senate Bill 14 by Senator
25 Fraser as pending business. Representative Harless offers up a



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1 committee substitute that will be laid before the Committee to
2 Senate Bill, and we will now resume taking testimony on the
3 Committee substitute to Senate Bill 14. And we will begin back
4 with our expert witnesses.

5 Brian Kemp, the Georgia Secretary of State, is
6 here representing himself as an individual and he is testifying
7 neutral on the committee substitute to Senate Bill 14. Welcome
8 from Georgia. We appreciate having you here.

9 MR. KEMP: Thank you, Mr. Chairman and Members of
10 the Committee. It's great to be back in Texas. I appreciate
11 you having me here today. As the Chairman said, I am Brian
12 Kemp, the Georgia Secretary of State.

13 I wanted to quickly just give you some background
14 information on myself so you'll know where I'm coming from on
15 this issue.

16 CHAIRMAN BONNEN: Mr. Secretary, I apologize for
17 the interruption. Just so you know, the expert witnesses are
18 being given ten minutes.

19 MR. KEMP: Okay. Very good. I am a proponent of
20 photo ID legislation; however, I do not come to Texas to try to
21 tell you-all how to legislate. I simply am coming to provide
22 information about what we have with done in Georgia, our process
23 and how our law has been implemented. And I hope this will help
24 you as you consider this legislation.

25 I was in the Georgia Senate back in 2006, when



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1 our photo ID bill passed. So I have the experience of going
2 through some of the same type of experiences that you are all
3 going through now. And with that I'll give you a little bit of
4 background information on our legislation.

5 In 2006 we did enact Senate Bill 84 which
6 requires voters who cast their ballot in person to present one
7 of six forms of acceptable photo identification. They are a
8 Georgia driver's license, even if expired, a valid state or
9 federal government issued ID including a free voter ID card
10 issued by the voter's county registrar or the Department of
11 Driver Services, valid U.S. Passport, a valid employee photo ID
12 of any branch, department, agency or entity of the U.S.
13 Government, Georgia or any county, municipality, board,
14 authority or other entity of the State, a valid U.S. military
15 photo ID or a valid tribal photo ID.

16 If a voter does not have photo ID or forgets to
17 bring their photo ID to the polls, they still can cast a
18 provisional ballot. The voter then has until the Friday after
19 election day to obtain acceptable form of photo ID and return to
20 their county elections office to have their vote counted. No
21 voter is ever turned away from the polls because they do not
22 have acceptable photo ID.

23 The Secretary of State's office implemented a web
24 site, GeorgiaPhotoID.com, to educate Georgia voters about the
25 photoed ID requirement for in-person voting, the free voter ID



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1 card for voters who do not have a voter ID, the free photo ID
2 card available at the Department of Driver Services. The web
3 site also contains flyers, posters, and brochures about
4 Georgia's photo ID requirement that users can print and
5 distribute.

6 I want to talk a little bit about our outreach
7 and education. We conducted a statewide multimedia outreach and
8 education campaign to inform Georgia voters about all facets of
9 the photo ID requirement. The campaign was conducted prior to
10 six elections between September of 2007 and November of 2008
11 general election. We mailed out over -- or we did direct mail
12 and utility bill inserts over five million pieces. We had
13 packages of photo ID materials to nongovernment agencies, like
14 chamber of commerces, churches and libraries. There were 633
15 packages, over 57,000 pieces. We did 83,000 automated phone
16 calls, 1,200 video PSAs, over 60,000 radio PSAs, and the office
17 issued over 70 press releases.

18 The highlights of the campaign were the radio ads
19 with Then-Secretary of State Karen Handler and Atlanta Falcons
20 players. The PSAs increased awareness of the requirement, voter
21 registration deadlines and early voting option. Also we
22 advertised at the Atlanta Falcons' home games on their LED
23 banners. We did radio ads that were purchased statewide on
24 Clear Channel. And there were 400 ads that were placed inside
25 Atlanta's Marta busses to remind riders of the photo ID



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1 registration.

2 The free identification cards that we offered, I
3 wanted to just go through the numbers real quick on those. In
4 2006 we issued about 2,200 free ID cards, 4,200 in 2007. 2008,
5 the presidential year, we issued over 12,000. We had about
6 2,500 in 2009, 2,700 in 2010. And then when you count the
7 thousand or so that the Department of Driver Services issued,
8 the grand total was about 25,000 free photo IDs in a state of
9 bumping ten million people that were issued. And 51 percent of
10 those were issued in 2008, on the presidential year.

11 To obtain the free photo voter ID card, there's
12 four things that you have to do. You've got to provide a photo
13 identity document or prove non-photo identity document that
14 includes full legal name and date of birth, and you must
15 document the voter's date of birth and evidence that the
16 applicant is a registered voter and documentation showing the
17 applicant's name and the residential address.

18 I've actually got three pages of details about
19 this process that I will submit to the Committee, and I will be
20 glad to answer questions at the end of the remarks, if there are
21 any, regarding this process. It's just a lot of information
22 that you could probably get more from just looking at yourself.

23 I wanted to -- I thought it would be important to give
24 you an analysis of the votes that were cast in Georgia
25 elections. More than 14,630,000 votes have been cast in 35



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1 state and federal elections in Georgia since 2007, when the
2 photo ID was first required for in-person voting. These figures
3 do not include municipal and county elections, which are
4 administered locally in Georgia.

5 Additionally, the 2008 elections were the largest in
6 Georgia's history, featuring record turnout among minority
7 voters with the photo ID requirement in place. The following
8 figures represent voter turnout statistics among Hispanic
9 Latino, African-American and white voters from the 2004 and 2008
10 elections.

11 In 2004 there was 18,000 Hispanic Latino votes cast.
12 In 2008 there was 43,000, a 140 percent increase. The
13 African-American vote in 2004 was 834,000. In 2008 it was 1.2
14 million, a 42 percent increase. The white vote in 2004 was 2.3
15 million and in 2008 it was 2.5 million, an 8 percent increase.

16 Also, I wanted to give you some statistics on
17 provisional ballots that have been cast when the voter lacked
18 photo ID and how many voters returned with photo ID to have
19 their ballots counted. Voters who had voted provisionally
20 because they lacked photo ID in the November 4th general
21 election, there was about 1,200 out of almost 4 million votes
22 cast. The voters who returned, of those 1,200 and provided the
23 photo ID was 308. And there was 873 voters who did not return
24 to clear up their provisional ballot.

25 In the December 2nd runoff for that general



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1 election there was 271 provisional ballots because they lacked
2 photo ID out of 2.1 million votes cast. 82 of the 271 returned.
3 So there was 189 that did not clear the provisional ballot up.

4 In the November 2nd, 2010 general election there
5 were 381 provisional ballots because of lack of photo ID out of
6 2.5 million cast. Of the 381, 108 returned to clear those up
7 and there was 272 that did not. In that runoff, November 30th,
8 2010 there was 35 provisional ballots out of about 265 that were
9 cast. 6 of those 35 returned. 29 did not.

10 We can't know for sure why those that, you know,
11 don't come back to clear it up -- some of the thoughts on that
12 is the outcome of the election was not in doubt in those
13 elections. So they just didn't bother to come back because they
14 knew their vote, while it would count, it wouldn't matter in the
15 end results. Obviously, they could have been attempting voter
16 fraud or they simply didn't realize that they had to have a
17 photo ID to vote, and even though they could have come back and
18 gotten a photo ID in the three days after the election, they
19 elected not to do that. And we are still very vigilant about
20 making sure voters are aware of the photo ID requirement before
21 all of our state and federal elections, and we do that through
22 our office.

23 The total votes cast in person versus by mail in
24 the past two general elections, in 2008, the November general
25 election, we had about 3.6 million voters in Georgia and 91.2



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1 percent voted in person. We had about 350,000 mail-in ballots,
2 and then for a total of just under 4 million votes.

3 The run off on December the 2nd, there was almost
4 two million votes cast in person. That was about 90 percent of
5 the vote. There were 216,000 mail-in ballots for a total vote
6 of just over 2.1 million total.

7 CHAIRMAN BONNEN: Mr. Secretary, I apologize, but
8 your ten minutes are up. I'd like to begin asking you a couple
9 questions, but I'd like to hear the rest of those numbers.

10 MR. KEMP: Okay. The November 2nd, 2010 general
11 election, we had 2 -- well, almost 2.5 million votes. 93.4
12 percent of those were in person. And then the November 30th
13 runoff there was 265,000 votes cast and about 81 percent of
14 those were in person.

15 CHAIRMAN BONNEN: Also, I want to make sure I
16 understand. On the numbers of the provisional ballots -- and
17 the numbers are somewhat unimportant in this question. You said
18 there were 308 that came back the one time and 108 that came
19 back and were cleared. I guess my question is of those that
20 came back are you saying all were cleared?

21 MR. KEMP: No, sir. In the 2008 general election
22 there were about 1,200 provisional ballots that were cast
23 because of lack of photo ID. 308 of those 1,200 came back and
24 showed their photo ID and had their vote counted. And then --

25 CHAIRMAN BONNEN: I guess that's what I'm trying



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1 to understand. Did more than 308 return, but they did not
2 return with proper ID?

3 MR. KEMP: No. The rest of them just did not
4 return at all.

5 CHAIRMAN BONNEN: So 308 people actually
6 returned, and every one of the ones who returned had their vote
7 counted?

8 MR. KEMP: Yes.

9 CHAIRMAN BONNEN: So there wasn't a single person
10 who showed back up and didn't have their vote counted?

11 MR. KEMP: As long as you show up back up by
12 close of business on the Friday following election and show your
13 photo ID, your vote will be counted.

14 CHAIRMAN BONNEN: So again, to be clear, no one
15 showed back up and, in turn, didn't have their vote counted? If
16 they came up, they showed their ID, their vote counted. And
17 those who chose not to return, you don't know why they didn't or
18 what they didn't, but had they shown up with an ID, their vote
19 would have counted?

20 MR. KEMP: That's correct.

21 CHAIRMAN BONNEN: And that was the same thing in
22 2010. You had 108 showed back up. Each one of the people who
23 showed back up had a proper ID, and you, in turn, counted them?

24 MR. KEMP: That's correct.

25 CHAIRMAN BONNEN: You had talked about the very



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1 positive educational opportunities y'all created using Atlanta
2 Falcons football team and things. How much did the State of
3 Georgia spend, do you know, on the educational programs?

4 MR. KEMP: Yes, sir. I just didn't quite get to
5 that.

6 CHAIRMAN BONNEN: That's okay. You had a limited
7 amount of time.

8 MR. KEMP: On the cost -- give me just a second
9 here. In 2006 our initial contract was \$589,000. That contract
10 included one photo ID system per county where people could go
11 get their free photo I D. The installation and training of
12 personnel, the production quantity updates, encryption service,
13 a one-year system warranty, and the production of 10,000
14 permanent voter ID cards.

15 The annual cost and training from 2008 to 2010
16 was about \$170,000. The elections personnel online training was
17 about \$15,000. So that grand total comes to about \$773,000.

18 And then we also did the outreach and education
19 campaign, which was, you know, the advertising and those type
20 things. We spent about 842,000 on that.

21 CHAIRMAN BONNEN: Did that include -- I
22 apologize. Sorry to interrupt you.

23 MR. KEMP: And that brought the total cost from
24 all of this to about \$1.6 million.

25 CHAIRMAN BONNEN: Did the \$842,000, did that --



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1 I'm assuming y'all had to pay to have it included in the
2 electric bills or did the electric companies do that --

3 MR. KEMP: I'm not exactly sure what the -- how
4 -- the exact number for those costs. I think the utility
5 probably just let us put that copy in their -- without charging
6 us postage costs. I can verify that for you, Mr. Chairman.

7 CHAIRMAN BONNEN: Okay. So you spent 770 -- the
8 State of Georgia spent \$773,000 on education, outreach, and free
9 IDs, correct?

10 MR. KEMP: Well, the 773 was on the system to
11 produce the free photo ID, that initial contract and the
12 training.

13 CHAIRMAN BONNEN: Then 842 was, in essence, the
14 marketing campaign?

15 MR. KEMP: That's right, outreach and education.

16 CHAIRMAN BONNEN: Representative Hochberg has
17 questions.

18 REPRESENTATIVE HOCHBERG: Can I just follow up on
19 a couple more details on that specific question. The 842,000
20 was over what period of time? Is that this four-year period
21 that you mentioned?

22 MR. KEMP: Let me see. I think that was through
23 2010.

24 REPRESENTATIVE HOCHBERG: 2006 through 2010. So
25 that's a total number?



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1 MR. KEMP: Yes.

2 REPRESENTATIVE HOCHBERG: And do you anticipate
3 continuing that before other elections or is this is a one-time?
4 What's your plan?

5 MR. KEMP: I think that was pretty much --
6 actually, I think we did that from 2007 through the 2010
7 elections, I believe. So we're really not -- we've had a pretty
8 aggressive campaign. We still have the web site. We still have
9 the information on our web site. We do press releases before
10 all the elections, reminding people. But we're really not doing
11 much outreach now. And I think the reason why is because we've
12 only issued 25,000 free IDs, and a lot of the naysayers of the
13 legislation said there would be 60,000 or 80,000 or some big
14 number. We just didn't see the demand there.

15 REPRESENTATIVE HOCHBERG: Parts of the
16 advertising is about bringing your ID to the polls, or was it
17 just for the free ID outreach?

18 MR. KEMP: It was both. It was to make people
19 aware that they had to have a free photo ID to vote in person,
20 but also if they didn't have one, we can get you one.

21 REPRESENTATIVE HOCHBERG: Excuse me for asking
22 the question I should know the range on: How many people in
23 your state, or how many voters?

24 MR. KEMP: We've got about 10 million people in
25 the state now and about half of those, a little over 5 million,



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1 are registered voters.

2 REPRESENTATIVE HOCHBERG: About 10 million total
3 people. That's not voting age?

4 MR. KEMP: Right.

5 REPRESENTATIVE HOCHBERG: How many eligible; do
6 you know?

7 MR. KEMP: I'm not sure about the eligible.

8 REPRESENTATIVE HOCHBERG: You've got about 5
9 million registered?

10 MR. KEMP: We can get that number for you too.

11 REPRESENTATIVE HOCHBERG: I'm just trying to make
12 sure that I know what the numbers are that I'm writing down.
13 And just from the standpoint of your media campaign, you've got
14 basically one large media market, and then where do you go other
15 than Atlanta?

16 MR. KEMP: Well, Atlanta is the major TV market,
17 but there's also a TV market in Augusta, which is on the east
18 side of the state, Columbus, Macon and Savanna. And there's a
19 little bit of one in Albany, which is southwest Georgia, but
20 those are really very minor compared to the Atlanta market.

21 CHAIRMAN BONNEN: Representative Harless has
22 questions, and then after Harless, Representative Gutierrez and
23 then Representative Watson.

24 Representative Harless.

25 REPRESENTATIVE HARLESS: I know you had some



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1 delays, and we appreciate you making it here today. When you
2 talked about your elections from September 2007 until 2009, you
3 said six elections.

4 MR. KEMP: No. We've -- well, that was -- I
5 think the outreach that we did during that time was before those
6 six elections. But total since the bill has been implemented, I
7 think we've had 35 elections.

8 REPRESENTATIVE HARLESS: Y'all have a lot of
9 elections.

10 MR. KEMP: We do, and that number probably pales
11 in comparison if you count municipal elections and county
12 elections because there's a lot of those that go -- a lot of the
13 municipal elections are in off years from the state and federal
14 elections. And then there's special elections. There's special
15 local office elections. But we do have a lot of elections.

16 REPRESENTATIVE HARLESS: When you talked, you
17 serve as the Secretary of State now, but you served in the
18 Senate when your voter photo ID passed. What was the specific
19 reason that the Georgia legislature felt like this was important
20 to pass?

21 MR. KEMP: Well, I think just securing our
22 elections, continuing to make them more secure. And, you know,
23 when I was in the senate I was in a very tough district. It was
24 kind of a 50/50 district. And, you know, quite honestly, this
25 was an issue. I knew I'd have a lot of people in my district



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1 that were for it and a lot were against it. And there was, you
2 know, obviously heated and mostly partisan debate in the
3 legislature. But I'll tell you that since it was passed, when I
4 got back home, when I was in the Senate and having campaigned
5 over the last two years statewide, you know, the wide majority
6 of Georgians support showing a photo ID when you go vote. And
7 the reason we did it was just to continue to keep our elections
8 secure.

9 REPRESENTATIVE HARLESS: Can y'all tell me why
10 y'all chose the two-day cure because our legislation has the
11 six-day cure in there for the provisional ballot. Why did you
12 choose a two-day cure?

13 MR. KEMP: I can't remember the specifics of that
14 debate. I think it was mainly like we felt that three days was
15 reasonable for the people to solve the problem if they left
16 their ID at home or they didn't have one, where they could go to
17 their county registrar and get it. And I think it all -- in
18 today's technology, people get mad if we don't have election
19 results 30 minutes after the polls close from somewhere. So,
20 you know, people are wanting -- and then as soon as it's over
21 they're wanting us to certify before we get military ballots
22 back. But that's the requirement we have for our military
23 ballots and our provisional ballots is close of business on
24 Friday.

25 REPRESENTATIVE HARLESS: You'll see this is a



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1 first for me as well. We're going to have Skype testimony here
2 today. So electronic age has met the Texas legislature as well.
3 Can you tell me about your pre-clearance process.

4 MR. KEMP: Yes. We -- that was another section I
5 didn't quite get to. We had pre-clearance on the original
6 legislation after it was signed in about two months. The rules
7 and regulations forms, applications, et cetera that implemented
8 the legislation was pre-cleared in about eight days. And then,
9 of course, we had numerous lawsuits that we have won every one
10 of them. So it really didn't take us too long to get
11 pre-cleared.

12 REPRESENTATIVE HARLESS: So how long did you
13 spend in litigation?

14 MR. KEMP: Well, we're still in litigation. And,
15 you know, our photo ID law has withstood scrutiny in the Georgia
16 Supreme Court and the 11th Circuit Court of Appeals in the Lake
17 Purdue case which was decided in 2007.

18 There was another case, Common Cause versus
19 Phillips that was decided in 2009. The 11th circuit found that
20 the burden imposed by the requirement of photo ID is outweighed
21 by Georgia's interest in safeguarding its right to vote. Also,
22 there has not been one single person that has been found that
23 could not vote because they did not have a photo ID or because
24 of the law.

25 And then right now the democratic party of



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1 Georgia in Georgia versus -- the Democratic Party of Georgia
2 versus Purdue is currently pending in the Georgia Supreme Court.
3 In April of 2010 the lower court dismissed the lawsuit of the
4 Democratic Party of Georgia on the grounds that the Georgia
5 photo ID law did not violate the Georgia Constitution.

6 We are hopeful that this will be the last court
7 case for our photo ID legislation.

8 REPRESENTATIVE HARLESS: And the U.S. Supreme
9 Court refused to hear the case?

10 MR. KEMP: That's correct.

11 REPRESENTATIVE HARLESS: Can you tell me, we were
12 talking about the money you spent, the PR and the media and the
13 training, the \$1.6 million. Did you have the availability of
14 HAVA funds, Help America Vote funds, to help offset some of
15 those costs?

16 MR. KEMP: I'm not exactly sure where we were on
17 the time at our HAVA funds. We used State funds for this
18 outreach. However, I will say that if we were in today's
19 economy, we would probably be looking at using HAVA funds.

20 REPRESENTATIVE HARLESS: Thank you so much.

21 MR. KEMP: You're welcome.

22 CHAIRMAN BONNEN: Represent Gutierrez has
23 questions.

24 REPRESENTATIVE GUTIERREZ: Thank you, Mr.
25 Chairman. Well, I have a number of questions, and I don't want



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1 to belabor the point on the whole curing elections, but did you
2 find that there was a tremendous amount of voter fraud or voter
3 impersonation, I should say, going on?

4 MR. KEMP: I don't know that there's any real way
5 you can tell.

6 REPRESENTATIVE GUTIERREZ: Did you have hoards of
7 Mexicans going over there to vote?

8 MR. KEMP: I'm sorry?

9 REPRESENTATIVE GUTIERREZ: Did you have hoards of
10 Mexicans? We had heard earlier that we had hoards of Mexicans
11 voting. Did you have hoards of Mexicans voting?

12 MR. KEMP: Well, I didn't see that.

13 REPRESENTATIVE GUTIERREZ: So was there any
14 investigation by the government, your attorney general or
15 anything prior?

16 MR. KEMP: Well, I serve as Chairman of the State
17 Elections Board, and we have had non-citizens voting in Georgia.
18 We've got non-citizens on our voter registration rolls now.
19 We've been fighting the Justice Department for the last couple
20 of years about that and have won our first case with them and
21 we're in another one with them right now. But WSB, a big
22 Atlanta TV station, did a big investigation that highlighted
23 hundreds of non-citizens that are on our rolls. And we have had
24 non-citizens voting in our elections.

25 REPRESENTATIVE GUTIERREZ: And you say there's



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1 some lawsuit out there that suggests that?

2 MR. KEMP: No. We have a lawsuit to check -- we
3 passed a state law in 2009 to check citizenship before we
4 register someone to vote, and we're actually suing to get
5 pre-clearance.

6 REPRESENTATIVE GUTIERREZ: And what's the name of
7 that lawsuit?

8 MR. KEMP: I guess it could be Kemp versus
9 Holder. We can get you the information on that if you'd like
10 it, Representative.

11 REPRESENTATIVE GUTIERREZ: I appreciate it. But
12 you haven't witnessed hoards of Mexicans voting in Georgia; is
13 that your testimony?

14 MR. KEMP: No, I haven't.

15 REPRESENTATIVE GUTIERREZ: I do want to commend
16 you. You allow a few more ways of allowing people to vote.
17 You've got an expired driver's license is sufficient, right?

18 MR. KEMP: That's correct in Georgia.

19 REPRESENTATIVE GUTIERREZ: So if someone's not a
20 very good driver, gets their license suspended, and they still
21 have it, that still passes?

22 MR. KEMP: Yes. And just like my stepfather, who
23 can't see very well now and doesn't drive, his driver's license
24 expired. He can still use that when he goes to vote.

25 REPRESENTATIVE GUTIERREZ: That's a good point



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1 because sometimes what happens to some of our senior citizens is
2 that they get their privileges revoked or they just choose to
3 make the right decision and they can't see as well, like my dad
4 can't see as well anymore. So we have myself or other members
5 of my family drive him around at times or he just simply doesn't
6 drive. So we have a lot of seniors that simply choose not to go
7 out and renew it for whatever, convenience, and they keep their
8 old driver's license. So an expired driver's license is okay in
9 Georgia.

10 MR. KEMP: It is okay in Georgia. Now, we would
11 also, if they did not have that, would give them a free ID.

12 REPRESENTATIVE GUTIERREZ: Very good. And you
13 mentioned six things. So I've got the driver's license, expired
14 driver's license, the military ID, the tribal ID, any valid
15 government ID that would show that I'm an employee of the State
16 of Texas, if I were an employee of the State of Georgia. I
17 guess that would work, right.

18 MR. KEMP: That's correct.

19 REPRESENTATIVE GUTIERREZ: A U.S. passport or a
20 valid U.S. passport?

21 MR. KEMP: Yes, sir.

22 REPRESENTATIVE GUTIERREZ: And you mentioned
23 something about a county registrar. Would that be my --

24 MR. KEMP: Any county, municipality, board or
25 authority or other entity of this state.



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1 REPRESENTATIVE GUTIERREZ: Okay. And what is
2 that, just an ID from any county --

3 MR. KEMP: Like if you were a county manager for
4 the Clark County and you had a photo ID, that would work.

5 REPRESENTATIVE GUTIERREZ: So you allow for more
6 options. I like the expired piece. That's good.

7 MR. KEMP: I will tell you this, that when our
8 legislation passed, everybody thought it was draconian and way
9 over the top. And now we have a lot of folks that point to our
10 legislation because some other states are trying to pass things
11 that are much tougher than what we did.

12 REPRESENTATIVE GUTIERREZ: Do y'all exempt people
13 over 70 years of age from having to have an ID at all?

14 MR. KEMP: I'm not sure about that. I'd have to
15 check.

16 REPRESENTATIVE GUTIERREZ: This legislation, we
17 do actually. So anyone over 70 is not required to have the ID.
18 So that's a nice difference. And I think I read, maybe it was a
19 prior senate bill, it was April prior to 2012. So that may not
20 be the case and that remains to be seen in some point for
21 seniors that are going to be 70, let's say ten years from now.

22 And so you spent all this money, about 1.6
23 million. And that last comment actually brings to mind
24 something else. I mean, you would agree with me that there's
25 kind of a continual education that needs to happen for election



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1 after election.

2 MR. KEMP: Well, there's continual education
3 about a lot of the laws that we pass and I'm sure that are still
4 getting passed today.

5 REPRESENTATIVE GUTIERREZ: But certainly not to
6 the extent that you spent \$842,000 in an ad campaign in the
7 beginning, correct?

8 MR. KEMP: I would agree with that.

9 REPRESENTATIVE GUTIERREZ: You're not spending
10 that kind of money now, are you?

11 MR. KEMP: No, sir. We're actually saving some
12 money now because of the photo ID requirement. We've put a
13 barcode scanner in at least one in all of our precincts in
14 Georgia. So now when people come to the polls they can actually
15 scan the driver's license and will be able to on the photo ID,
16 pulls their name up on the express poll which speeds the process
17 up for our voters, plus makes it quicker which allows the
18 counties to have less people in there. And counties are also
19 using other equipment that actually prints the forms out for
20 early in-person voting, which is speeding the time up. So, you
21 know, now, because we've done this, we're starting to see some
22 savings, mostly at the county level.

23 REPRESENTATIVE GUTIERREZ: You mention something
24 about an annual cost of \$70,000 in that contract. Is that
25 continuing beyond the four or five-year period in \$589,000 cost?



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1 MR. KEMP: The annual cost in training was from
2 2008 to 2010, was 170. But we do annual training regardless.
3 I'm sure, you know, most states or counties do that. I mean, we
4 have two different sessions every year with our registrars and
5 our elections officials where we do training. We've got an
6 E-learn electronic web site type training system. So that
7 continually goes on in Georgia.

8 REPRESENTATIVE GUTIERREZ: And I'm wrapping this
9 up, Mr. Chairman.

10 CHAIRMAN BONNEN: Sure.

11 REPRESENTATIVE GUTIERREZ: One of the big
12 questions that I had was I was concerned. You gave us some '04
13 numbers and '08 numbers to show an increase in Latino and
14 African-American voting and they were certainly very
15 substantial. But you would agree with me that was in large part
16 because of a monumental election in our country with President
17 Obama being elected. Wouldn't you agree with that statement?

18 MR. KEMP: I probably would agree with that.

19 REPRESENTATIVE GUTIERREZ: So I didn't hear
20 numbers from '08 to 2010 as far as Latino and African-American
21 voters.

22 MR. KEMP: We were trying to be consistent in the
23 election that we were trying to compare presidential to a
24 presidential election.

25 REPRESENTATIVE GUTIERREZ: All right.



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1 MR. KEMP: We can get you those other numbers, if
2 you'd like.

3 REPRESENTATIVE GUTIERREZ: But you had some other
4 2010 numbers, but we don't have the African-American, Latino
5 turnout for --

6 MR. KEMP: Right. Those elections we're talking
7 about the provisional ballots.

8 REPRESENTATIVE GUTIERREZ: Is it safe to argue
9 that those numbers would be substantially less than certainly
10 the 2008?

11 MR. KEMP: Well, I mean, I would hate to commit
12 to that answer, not seeing the figures. I mean, obviously 2008
13 was a historic day for African-Americans and --

14 REPRESENTATIVE GUTIERREZ: For the country?

15 MR. KEMP: Yeah, absolutely, and in Georgia. And
16 we had huge turnout, which was great. But I think, you know, in
17 2010, even though our vote total is down, which it always is for
18 gubernatorial races, in my belief we had a pretty strong
19 African-American turnout as well.

20 CHAIRMAN BONNEN: Mr. Secretary, I would
21 appreciate it -- Representative Gutierrez, if you would agree, I
22 think what would be valuable is if you would show us the vote
23 totals from '06 comparative to '10 because I think it is
24 reasonable to compare presidential to presidential and
25 gubernatorial to gubernatorial. Not to send you back to Georgia



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1 with homework from Texas, but we would appreciate it.

2 MR. KEMP: Can we bill you for that? No, I'm
3 just kidding.

4 CHAIRMAN BONNEN: Don't send the collectors over.

5 MR. KEMP: All right. You want general election?

6 CHAIRMAN BONNEN: If we could see the comparisons
7 of '06 to '10, the gubernatorial '06 election to the
8 gubernatorial 2010 election.

9 REPRESENTATIVE GUTIERREZ: Thank you for that
10 recommendation. I think that that would be some good numbers.

11 CHAIRMAN BONNEN: And we've got all the time you
12 need. I didn't want to cut you off. You keep asking the
13 questions you have.

14 REPRESENTATIVE GUTIERREZ: My last question. Are
15 you enjoying your brief stay in Austin?

16 MR. KEMP: Well, I tell you, Representative, I
17 wish it had been a little bit longer. It was going to be brief
18 regardless. But I would have loved to have come in last night
19 and stay in Downtown Austin and bought a meal here. But
20 unfortunately we had a bad storm that came through. So I got to
21 fly here today and I'm leaving this afternoon. My wife and I
22 were actually here before Christmas with some other Secretary of
23 States and had a good conference and certainly a great stay in a
24 great state and a beautiful city.

25 REPRESENTATIVE GUTIERREZ: Well, come to San



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1 Antonio. We have the best basketball team in the nation.

2 You're invited.

3 CHAIRMAN BONNEN: Real quick, little
4 housekeeping. Let the record show Represent Taylor is present.
5 Representative Hilderbran is present. Vice Chair Veasey is
6 present. And now Representative Aliseda has some questions and
7 then we'll come to Vice Chairman Veasey for his questions.

8 REPRESENTATIVE ALISEDA: Mr. Kemp, what I took
9 from your testimony is that you, like we, were experienced
10 naysayers, that this was going to be something that would affect
11 minorities well into the future; is that correct?

12 MR. KEMP: Well, I wasn't a naysayer. I felt
13 like the legislation made good common sense to me. But in the
14 district that I was in, there was a lot of naysayers in my
15 district that voiced their concerns.

16 REPRESENTATIVE ALISEDA: And you were able to
17 show statistically, though, that those dire predictions did not
18 come as was said; is that correct?

19 MR. KEMP: Well, and I think when I looked at
20 these numbers as we were preparing them, I was very encouraged
21 by them. I thought the numbers speak for themselves, that we've
22 had minority -- increase in minority in-person voting. And
23 we've had -- I mean, even with our photo ID legislation, we
24 have, on average, over 90 percent of our population that votes
25 in person, and that's pretty amazing to me.



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1 REPRESENTATIVE ALISEDA: Have you seen a report
2 prepared by the Heritage Foundation regarding data analysis and
3 voter ID laws?

4 MR. KEMP: I think I have read that report.

5 REPRESENTATIVE ALISEDA: Do we have that as part
6 of the record, Chairman Bonnen?

7 CHAIRMAN BONNEN: I have a copy. There is no
8 official record.

9 REPRESENTATIVE ALISEDA: There is no official
10 record. Okay. I have no further questions.

11 CHAIRMAN BONNEN: This is not a legal proceeding
12 so there is not an official record. We're not the Senate. They
13 don't like us to pretend that we are.

14 Vice Chairman Veasey has questions, Mr.
15 Secretary.

16 VICE CHAIRMAN VEASEY: And one of tings that I
17 remember when the whole voter ID controversy started in Georgia
18 I know that one of the columns that Cynthia Tucker wrote, who
19 was a columnist for Atlanta Journal, the African-American
20 columnist that is one of the liberal columnists, she had
21 mentioned that, you know, that if there was a slow
22 implementation of the bill that then you could -- and I think
23 that even in the Carter Baker report they even talk about that,
24 instead of trying to immediately, you know, put something on
25 someone's back, just giving them a chance to understand the law.



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1 And it looks like from the questions that Representative
2 Gutierrez was asking you a second ago that y'all -- sound like
3 y'all kind of made some changes that would allow people to
4 understand what was going on and give people more opportunities
5 to exercise their suffrage.

6 MR. KEMP: Well, I will tell you this. Ms.
7 Tucker and I don't agree a whole lot politically. And I think
8 the way Georgia implemented the law was very reasonable from the
9 timeframe. And I think just when you take the politics out of
10 this, I think it's a very simple argument for our citizens.
11 Most of them already have a photo ID. We can't get in
12 government buildings without a photo ID. We can't write a
13 check. I can't get on the airplane to go home without a photo
14 ID. That doesn't mean that there aren't folks out there that
15 don't have them and need our assistance to get a photo ID.

16 VICE CHAIRMAN VEASEY: There are other ways that
17 people can -- there are exceptions to everything, even getting
18 on a plane. You need to have a photo ID to get on a plane, but
19 there are other ways that you can -- it may be more burdensome,
20 but there are other ways you can get on a plane without having a
21 photo ID.

22 MR. KEMP: And we have other ways that people can
23 vote in Georgia. You can vote absentee without a photo ID. And
24 I will submit a copy of these remarks for you that talk about
25 how you can get a photo ID in Georgia. And it is very, quote,



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1 liberal in the ways that you can get a photo ID. I mean,
2 there's just a multitude of documents that you can show that
3 will allow you to get a photo ID so that you can be able to vote
4 in Georgia.

5 VICE CHAIRMAN VEASEY: Have you heard -- one
6 other thing that I thought was interesting that you talked
7 about, the 2010 election results because you thought that
8 perhaps that the African-American numbers might have gone up
9 during the 2010 election. Have you heard that maybe other
10 states want to -- including our state, maybe want to pass other
11 more stringent laws because they still think that people are
12 still casting these illegal ballots and that the Georgia law did
13 not go far enough so other states need to be tougher than the
14 Georgia law? Have you heard that in political circles?

15 MR. KEMP: Not in political circles. In reading
16 media regards, press clips, there's certainly a lot of other
17 states around the country who are trying to implement photo ID
18 legislation to I think further secure their elections. I don't
19 think the reasoning behind that is to try to keep any certain
20 group from voting. That certainly was not our intent in
21 Georgia. And I think you can see from numbers in in-person
22 voting that that hasn't proved to be true.

23 VICE CHAIRMAN VEASEY: So are you happy with your
24 law? Are you happy with the bill that was passed?

25 MR. KEMP: Yes. I'm happy with the legislation



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1 that we passed in Georgia. I'm happy with the implementation
2 that we've had. And we continue to work hard, you know, every
3 year at making citizens aware that they need a photo ID. If
4 they don't have one, we'll give them a free one. And we'll
5 continue to do that as long as this is in place.

6 And to just address your one point about the
7 African-American vote in 2010, I don't believe I said that the
8 turnout had increased. I believe I said I think that there was
9 still a very strong African-American turnout.

10 VICE CHAIRMAN VEASEY: It will be interesting to
11 analyze the numbers, but that was sort of a concern for me when
12 I saw the Senate debating the bill and I saw this was going to
13 be a much more stringent bill than that one that Mary Denny had
14 carried. That was a representative that's no longer here, and
15 the one that Betty Brown had carried before. I was concerned
16 about that because what I don't want to get into is, okay, we
17 didn't disenfranchise enough African-Americans in Georgia so we
18 need to come up with a more strict law here.

19 MR. KEMP: I don't think we disenfranchised
20 anyone.

21 VICE CHAIRMAN VEASEY: We didn't disenfranchise
22 enough people that ride the bus or we didn't disenfranchise
23 enough people that carry Medicaid cards or whatever. So we need
24 to come up with even something more stringent so we can get that
25 1 to 3 percent and, you know, skim that off the top so that we



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1 can win close elections. I don't want that to happen.

2 MR. KEMP: Well, Representative, let me just make
3 sure that this committee is clear that we have not
4 disenfranchised anyone in Georgia.

5 VICE CHAIRMAN VEASEY: Sounds like you're giving
6 people a chance to --

7 MR. KEMP: And I'll say we have not tried to
8 disenfranchise especially any minority group. Up until this
9 year we actually had two African-Americans that had continually
10 won statewide races in Georgia.

11 VICE CHAIRMAN VEASEY: Thank you.

12 MR. KEMP: Yes, sir.

13 CHAIRMAN BONNEN: Any other questions, members?
14 Appreciate you taking the time to come to Texas and give us your
15 testimony today. It's very helpful. And I think, for the
16 record, I don't think anyone in Texas has come out and said they
17 want to disenfranchise more or greater numbers of voters. So
18 thank you for being here.

19 MR. KEMP: Well, thank you, Mr. Chairman. If you
20 don't mind, I'll give you a copy of my remarks as well just so
21 you'll have the numbers then we'll get you the numbers on the
22 other you requested.

23 CHAIRMAN BONNEN: Thank you very much for your
24 help. The Chair will now call another expert witness, Luis
25 Figueroa, Mexican American Defense Education Fund MALDEF, here



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1 to testify against committee substitute to Senate Bill 14. And
2 he will be testifying. Thank you, Luis.

3 MR. FIGUEROA: Thank you, Chairman. My name is
4 Luis Figueroa.

5 CHAIRMAN BONNEN: And you have ten minutes,
6 remember.

7 MR. FIGUEROA: Yes. My name is Luis Figueroa.
8 I'm the legislative staff attorney with the Mexican American
9 Legal Defense and Educational Fund. I thank you for this
10 opportunity to provide invited testimony. The one message that
11 I would like to get out is the idea of voter ID is oftentimes
12 described as a clear yes and no question of either you have an
13 ID or you don't have an ID. And actually, most of these bills,
14 whether you go from Georgia, Indiana, Texas, Michigan, it's on a
15 continuum of what documents you need and what safeguards are in
16 place to implement the identification requirements.

17 And so the key is not so much, is there a voter
18 ID requirement or not. The key is finding the right balance of
19 security versus access. And we believe that SB14 unbalances
20 that spectrum to the point that we are too focussed on
21 preventing one single type of fraud and potentially taking away
22 access on the other side of the pendulum.

23 There have been numerous studies talking about
24 concerns about additional ID requirements, and it's difficult to
25 evaluate one election from the next when you look at voter



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1 turnout, but some experts have tried to do their best. And one
2 of them was Barreto Nuno Sanchez in a report called Voter ID
3 Requirements and the Disenfranchisement of Latino, Black and
4 Asian Voters. And they found that naturalized citizens and
5 minority voters are significantly less likely to provide
6 multiple forms of identification.

7 They also found that minority voters were
8 consistently less likely to have each form of identification and
9 that the data reflects identification trends of actual voters,
10 not just adult citizens. The findings go farther to suggest
11 that voter identification laws could immediately disenfranchise
12 many Latino, Asian and African-American citizens.

13 The Rutgers study, which was produced by
14 Vilsadian Anderson stated that the predicted probability that
15 Hispanics would vote in a state that required non-voter
16 identification was about 10 percent lower than in states where
17 Hispanic voters gave their names.

18 The Wisconsin study, which was a study of how
19 many people had the documents, found that less than half, 40
20 percent of Milwaukee County African-American adults and 43
21 percent of Hispanic adults had valid driver's licenses compared
22 to 85 percent of white adults in the balance of the state.

23 The Brandon Center came back with a report and
24 said that citizens with comparative low incomes are less likely
25 to possess documentation proving their citizenship and as many



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1 as 11 percent of United States citizens, more than 21 million
2 individuals, do not have government issued photo identification.

3 They went on to state that 25 percent of
4 African-American voting age citizens have no current government
5 issued photo ID compared to 8 percent of white voting age
6 citizens. And 10 percent of voting age citizens who have a
7 current ID do not have a photo ID with both their current
8 address and their current legal name.

9 So obviously, there's numerous studies and
10 there's different ways of evaluating turnout and impact and how
11 many identification. But we believe that the data that we've
12 seen has had an impact on Latino and African-Americans.

13 The one thing we point out is that Texas does
14 have a voter ID requirement on books now. You are required to
15 bring either a voter registration certificate, a picture ID, or
16 a non-picture ID from a contained list of documents.

17 So the question is not whether we're going to
18 implement a voter ID, but what the new documentation requirement
19 and how restrictive we're going to make it and how many
20 safeguards we're going to put in place. We know that there are
21 294,000 people who registered from 2006 to 2010, who registered
22 with a Social Security number and not a driver's license, and
23 that there are 34,506 who registered without a Social Security
24 number or a driver's license. We also know that there are 2.1
25 million Texas registered voters who only are listed by their



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1 Social Security number and that there are 690,000 voters on the
2 roles who have neither a Social Security number or a driver's
3 license in the voter database.

4 So we have the potential for disenfranchisement.
5 Those are just based on the numbers of people who are currently
6 registered. We also know that what isn't tracked by any studies
7 or tracked by the current number of registered voters are the
8 people who are low income, who use public transportation and
9 move in and out and don't have a correct address on their
10 driver's license.

11 We know that there will be potential victims of
12 identity theft who don't have their identifications on them at
13 the time, natural disaster victims, recent arrivals to Texas,
14 and, of course, our Native American population.

15 In fact, in Arizona, which was the case that
16 MALDEF litigated on identification requirements, Maricopa
17 County, 2 percent of voters were unaware of the new requirements
18 on election day. In Texas that would amount to about 161,000
19 potential ballots cast in the presidential election in '08.

20 What we also found in Maricopa, which was also
21 confirmed by what we heard in Georgia, is that when you offer
22 conditional provisional ballots or an opportunity for people to
23 come back and bring that identification or cure their ballots,
24 people by in large do not come back. And we heard the numbers
25 from Georgia in the previous testimony. In Maricopa County 739



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1 were not counted of the conditional provisional ballots, and 144
2 of those were Hispanic.

3 We found in Maricopa County, we have found it in
4 Georgia, we found it in pretty much across the state, that
5 people don't come back to cure provisional ballots, regardless
6 the number of days. But certainly if you make it a small number
7 of days and you don't include a weekend in there, there aren't a
8 lot of opportunities for people to come back.

9 And so what we wanted to state is since we are
10 having a very restrictive requirement in front of us in SB14,
11 more restrictive than SB362 last session, more restrictive than
12 the Indiana voter ID law, more restrictive that the Georgia ID
13 law, more restrictive than the Arizona ID law, that we are
14 potentially risking violations of -- potential litigation and
15 violations of the law.

16 The laws that potentially come into play
17 including the 14th amendment, undue burdens. This was the
18 challenge that Indiana was challenged under. It wasn't a Voting
19 Rights claim. It was a 14th Amendment undue burdens claim. And
20 the thing that the Courts looks at was the balancing test. They
21 looked at the security concerns versus the access concerns. And
22 they looked at whether or not there were provisions to provide
23 exceptions for people like the elderly. For instance, the
24 elderly were allowed to bring a Medicaid card to cure ballots.
25 They looked at the rural nature of the state. And so in Texas



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1 we might have more concerns or bigger problems since we have a
2 more restrictive list than Indiana. We only allow for four
3 documents. We have a shorter cure period. We have a bigger
4 state, more rural areas and a lot more minorities.

5 The other laws that come into play are the Voting
6 Rights Act, Section 5 and Section 2. So Texas is a Section 5
7 state so we'll have to submit it for pre-clearance. We know
8 that Latinos are very mobile in Texas with not a lot of home
9 ownership. We know that Latinos also -- we have many citizens
10 in Texas that are derivative citizens, meaning that they are
11 citizens because their parents were citizens. They might have
12 been born abroad. They may not have a birth certificate. They
13 may not have the documents that are necessary under the DPS
14 rules to get a driver's license.

15 And then we also know we have Section 2, which is
16 the dilutive potential on African-Americans and Latinos. That's
17 a similar analysis to Section 5 except we look at the dilutive
18 effect rather than the retrogressive effect.

19 And then the one that I would say has been the
20 least successful in challenges, and that's the poll tax, which
21 is the cost of obtaining the ID. It costs hundreds of dollars
22 to get a naturalization certificate. It costs over \$30 to get a
23 birth certificate. It costs money to get a passport. And, of
24 course, it costs time and money to get these documents.

25 At the end of the day we're talking about trying



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1 to find the right balance. We believe the right balance
2 includes one form of picture identification or two forms of
3 non-photo identification, a signature affidavit attesting to
4 name, address and eligibility, similar to the way Michigan and
5 Florida are doing it. Those have worked very well in
6 conservative states as well as in states with a lot of
7 minorities. And if you wanted to improve access, you could add
8 same-day election voter registration with an ID requirement.
9 You could do more training and provide for more funds for
10 education. And, of course, you could offer free IDs, which this
11 bill does provide. Those are some of the options you could look
12 at so you could protect against the fraud, but also protect
13 against the access.

14 We know there's a lot of different types of fraud
15 in Texas. In fact, we have received the flyer from Tarrant
16 County where a voter was submitted flyers and there were flyers
17 all over the community where voters were told to vote on the
18 wrong day. This is the type of fraud that isn't addressed by
19 this bill. We know there are other types of fraud that aren't
20 addressed by this bill. So we believe in looking at the
21 problems wholistically, addressing the fraud and the access,
22 finding the right balance and insuring that we don't go too far
23 in that pendulum that's going to lead to litigation, higher
24 costs, and potential disenfranchisement of many voters,
25 including Latinos and African-Americans. And I thank you for



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1 this opportunity and I hope that we can have further
2 conversations about this.

3 CHAIRMAN BONNEN: Okay. Thank you. Vice Chair
4 Veasey has questions.

5 VICE CHAIRMAN VEASEY: And that's the -- what I
6 was trying to point out earlier when I was talking about the
7 Secretary of State from Georgia, what I don't want to see here,
8 because no one -- even if someone is for disenfranchising
9 people, no one is going to admit that. I mean, people have
10 definitely learned from mistakes in the past. And I don't want
11 to think that anyone -- I think that that's horrible. I don't
12 want to think that anyone wants to disenfranchise anybody. I
13 hope that that's a chapter of our history that we have left
14 behind 40 year ago.

15 MR. FIGUEROA: That's right.

16 VICE CHAIRMAN VEASEY: I don't want our country
17 to ever have to revisit that. I don't want us to ever have to,
18 you know, go and march on the streets or, you know, do any of
19 those things that people had to do 40 years ago.

20 MR. FIGUEROA: All the reasons why we are a
21 Section 5 state.

22 VICE CHAIRMAN VEASEY: I think that would be
23 absolutely horrible. But I mean, you talked about the same-day
24 voter registration. And, you know, whatever that comes up, I
25 can't understand -- and I don't know if you have an opinion on



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1 this. I can't understand why people immediately say no,
2 absolutely not, no way. So when I hear that and, you know, when
3 MALDEF or NAACP or anyone hears that, you know, I have concerns
4 because it almost seems like that instead of trying to reach
5 some sort of compromise or instead of that -- no, that's not the
6 result that we're trying to yield here and same-day voter
7 registration is completely off the table. Of course, no one
8 would ever admit that. No one would ever admit that. People
9 have learned from the past.

10 So help me out and let me know, does MALDEF have
11 any concerns about the resistance to cooperate or try to reach
12 middle ground, because I don't think that any of us are, you
13 know, completely opposed to making changes --

14 MR. FIGUEROA: Right.

15 VICE CHAIRMAN VEASEY: -- to the way that we vote
16 in the state. I want -- just like all of the Republicans or
17 people that are here that are concerned about the integrity of
18 the election process, I want there to be a fair election process
19 also.

20 MR. FIGUEROA: Absolutely. And we've had some
21 great conversations with political operatives that work on the
22 Republican side and on the Democrat side, and they all talk
23 about different types of fraud that occurs, whether it's mail-in
24 fraud or intimidation. And there are ways that we can address
25 that as well. But this bill is only focused on that one single



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1 type of voter impersonation fraud which we've seen the least
2 amount of evidence for. Now -- and when we have seen it, it's
3 been a lot of times with people using a photo ID as opposed to
4 using a voter registration certificate, which this bill wouldn't
5 address this either.

6 So we believe is, like I said, that finding that
7 right balance. And there are ways you can protect against
8 fraud. Even if you just want to do a voter impersonation fraud
9 without a potential disenfranchisement impact. And there are
10 models out there. We got real close last session. We were
11 working with Chairman Smith and other members from both parties
12 and we were looking at the Florida model. We were looking at
13 the Michigan model. We got real close to something that I think
14 both sides could agree on. And it was shut down. And,
15 unfortunately, we've come back to this bill. And instead of
16 going back towards that comprising models of Florida and
17 Michigan, this bill is actually taking us the opposite direction
18 and making it more stringent than Indiana, Georgia or any other
19 state. And I'm not really sure that there's a need for that
20 here in Texas.

21 The other thing I point out that with the
22 same-day voter registration, there are ways that we can do that
23 provisionally and we can double check and triple check and
24 quadruple check that the information is accurate and that that
25 person isn't a fraudulent voter. There are safeguard provisions



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1 that's worked in North Carolina, obviously a somewhat
2 conservative state. So there are ways to do it but
3 unfortunately those conversations aren't happening right now,
4 and I hope they will.

5 VICE CHAIRMAN VEASEY: They do same-day voter
6 registration in Minnesota, and for the first time in quite some
7 time I believe they have a Republican majority in their Senate,
8 and they do same-day voter registration there.

9 MR. FIGUEROA: It's workable.

10 VICE CHAIRMAN VEASEY: And I think that that's --
11 you know, you don't want this to turn into a partisan deal
12 because I remember that the first time we were debating this
13 bill someone came up to me on the house floor. They said, Mark,
14 you don't have to worry about this. You're not going to lose
15 your district. Enough voters in your district won't be affected
16 to where you'll lose. So, of course, what I heard was -- you
17 know, the conclusion that I reached was, yeah, you're saying it
18 won't hurt me, but you're also implying that by saying that it
19 maybe will hurt someone else in a more marginal district. That
20 was the implication and the comments that were made to me on the
21 House floor. We don't want to get into that. We don't want
22 anyone to lose the right to vote --

23 MR. FIGUEROA: From our perspective --

24 VICE CHAIRMAN VEASEY: -- just so someone else can
25 win an election. And we don't want anyone to cast a fraudulent



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1 ballot. And I haven't seen any evidence of that going on at
2 all. Just like I said, the only thing I've heard and the only
3 e-mails that I've seen and the e-mail that I talked about
4 earlier is just sort of rumors, innuendo, and nothing concrete.
5 And it's the same rumors and innuendo that have been around
6 since reconstruction. And that's crazy.

7 MR. FIGUEROA: Uh-huh. And we had an expert
8 testimony in the Senate side, Andreas Tijerina, that talked
9 about all the reasons why Texas is a Section 5 state were always
10 presented as a way to address fraud. They always had a reason
11 for it that had nothing to do with potentially disenfranchising
12 voters, although we knew the effect was that it was going to
13 have a disenfranchising effect. So what I was going to say,
14 from our perspective, every one of those provisional ballots
15 that isn't counted because someone doesn't have the proper
16 identification to us a potentially disenfranchised voter and is
17 most likely a disenfranchised voter.

18 When we looked at it in Arizona, those
19 conditional provisional ballots were specifically people who
20 didn't have the identification requirements were people who were
21 citizens and were legitimate voters who just at that moment did
22 not have the identification they needed or the poll worker told
23 them they needed to match something else that it didn't match,
24 the names didn't match exactly right. Those -- and those are
25 potentially disenfranchised voters.



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1 So if you're going to talk about every single
2 vote counts, every single vote matters, it's so important for
3 that one vote, then we need to look at the fact that we have
4 hundreds of provisional ballots that aren't being counted under
5 our current law and imagine how many we're going to have when we
6 started adding restrictions.

7 VICE CHAIRMAN VEASEY: And can you just real
8 quickly, the Indiana law, make some comparisons -- if you can go
9 through it quickly, between the Indiana law and the law that
10 we're trying to -- because one of the things I've heard several
11 times is that this version that is trying to pass now, that is
12 already passed in the Senate that it's the exact same bill as
13 the Indiana law, but others have said no, it's more stringent.
14 So can you clear it up for us.

15 MR. FIGUEROA: From our perspective, we believe
16 that this bill SB14 is more stringent. Indiana allows for a
17 government issued photo ID. It doesn't specifically lay out
18 just four documents that are portrayed in the SB14. It must
19 display the voter's photo, display the voter's name, which must
20 conform to the voter registration, and it allows for an
21 expiration date that is either current or that expired after the
22 last annual election.

23 If a voter cannot provide an ID, a voter may vote
24 provisionally within a week from the election and return with
25 either a valid ID or an affidavit with an acceptable reason for



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1 an ID. So in Texas we have fewer documents. We have a shorter
2 cure period. And we don't have a clear affidavit processes that
3 will allow people to fix their ballot as soon as they arrive, if
4 they have a reasonable reason for not having an ID. And so for
5 those reasons and as well as the fact that a voter -- an elderly
6 voter who doesn't have a birth certificate can also cure their
7 ballot as well in Indiana, and we don't have those same type of
8 mechanisms here. So we do think that our SB14 is more stringent
9 than Indiana.

10 REPRESENTATIVE HARLESS: Mr. Chairman.

11 CHAIRMAN BONNEN: I think Representative Aliseda
12 had his light on for a while.

13 REPRESENTATIVE ALISEDA: You threw out a number
14 there that I want to follow up on. You mentioned 690,000
15 individuals that are registered to vote without any kind of
16 identification.

17 MR. FIGUEROA: They -- so when you register to
18 vote, you mark -- if you have a Texas ID, you put your Texas
19 driver's license number or you put your Social Security number
20 if you don't have a driver's license, and then you mark if you
21 don't have either. And that's what was required under the Help
22 America Vote Act. So we have 690,000 people on the voter rolls
23 that marked that last checkmark that said they did not have
24 driver's license or --

25 REPRESENTATIVE ALISEDA: Those individuals could



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1 be, in fact, individuals that could commit voter fraud.

2 MR. FIGUEROA: And those voters -- so those
3 voters when they registered to vote are checked against the
4 current databases that are required under the Help America Vote
5 Act to ensure that they are who they say they are. So what this
6 bill would do would prevent that voter registration card from
7 being used as an identification. But what it doesn't do is
8 insure that that voter is actually -- this bill doesn't have any
9 impact on that voter getting a voter registration certificate.
10 What this bill does is it says that they're still going to get a
11 voter registration certificate, but now they're going to have to
12 bring something else with them.

13 REPRESENTATIVE ALISEDA: Which is like a lot of
14 laws, an alarm system to -- not necessarily to deter the crime.
15 It's just to cause a little more trouble for someone to go on to
16 the next house.

17 MR. FIGUEROA: Right. And I get that.

18 REPRESENTATIVE ALISEDA: I don't find --
19 actually, I find that number scary, that we have 690,000
20 individuals out there that have gotten a voter registration
21 without any form of identification, without any Social Security
22 number, and they're out there potentially able to vote and we
23 have absolutely no way to keep them from voting.

24 MR. FIGUEROA: So this is required under the Help
25 America Vote Act. So I'm not sure you want to get into the



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1 registration process. And there's certainly some reforms we
2 could make on the registration process. But this is what I
3 would say is I agree with you that there's an alarm system that
4 could be in place, which is why we should do the Michigan and
5 Florida model which says if you don't have those
6 identifications, you can submit an affidavit so that we can
7 verify that these voter is who they say they are. We can verify
8 this person is actually an eligible voter, and then that ballot
9 is counted in Florida and in Michigan.

10 With this current bill, we don't have an alarm
11 system. We have a gate, and they can't get past the gate. And
12 even if they are legitimate voters and they don't have
13 identification, there's no way of getting around the gate. So I
14 say let's set an alarm system. Let's ask them for some more
15 information. Let's make sure they are who they say they are and
16 let's count their ballot.

17 REPRESENTATIVE ALISEDA: The other observation
18 I'd like to make is you claim that there were other sessions
19 where this -- some kind of voter ID law was considered and they
20 were less onerous than the one we have today. And my
21 observation would be, why didn't you take it when it was offered
22 to you earlier?

23 MR. FIGUEROA: Well, we were pretty much in
24 support of some of those compromises and we thought we were
25 there. Now, the proposals that came up last session weren't the



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1 ones that got hearings. They were ones that were talked about.
2 And we actually were in support of Todd Smith's compromise. In
3 fact, we had a hearing with Leo Burman where we talked about the
4 Michigan and Florida process, and it looked like we had an
5 agreement. We came back next session and they went back to the
6 previous version. So we've always been about trying to look at
7 Michigan, Florida, New Mexico as compromises to include a
8 signature affidavit process or include some election-day voter
9 registration with the voter ID requirement so that we can
10 preserve access and security. But, you know, this is a
11 political process and sometimes the compromises don't work out.

12 REPRESENTATIVE ALISEDA: Are you aware that Texas
13 has twelve counties with more registered voters than voting age
14 citizens?

15 MR. FIGUEROA: I did not know that. That's good
16 to know. So more registered counties than --

17 REPRESENTATIVE ALISEDA: Has twelve counties with
18 more registered voters than voting age citizens.

19 MR. FIGUEROA: So we need to fix up our voter
20 registration database. I agree with that. But this bill
21 doesn't fix our voter registration process. This bill only
22 affects it on the poll side. It doesn't fix the problem.

23 CHAIRMAN BONNEN: Thank you. Representative
24 Harless.

25 REPRESENTATIVE HARLESS: Mr. Chairman, I just



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1 wanted to kind of make some clarifications because not everyone
2 was here when we laid out the substitute and some of the
3 differences. We allow for six forms of identification, not just
4 four. And in the committee substitute and the bill that passed
5 in the Senate to engrossment it allowed for expired documents up
6 to 60 days. So if your driver's license or your ID card or your
7 passport or your CHL or your citizenship paper that has ID on it
8 is expired, you have up to 60 days to vote with that.

9 MR. FIGUEROA: That's a little less than the
10 Indiana, which is the previous general election, and a little
11 less than Georgia.

12 REPRESENTATIVE HARLESS: It actually is about the
13 same as Georgia. There's one ID that Georgia allows that we
14 don't, and Georgia has no exemptions to the photo ID
15 requirements. Texas has an exemption for the indigent, for
16 religious objections, for 70 or older on January 1st of 2012,
17 and the disabled under Social Security or 50 percent veterans.

18 Another thing that I wanted to clear up is the
19 numbers that you were quoting about the 690,000, we're going to
20 have an expert from the Secretary of State to discuss those more
21 because some of those may actually have Social Security numbers
22 or IDs associated with them. It's just that they were put in
23 the database prior to the Help America Vote Act in 2006.

24 MR. FIGUEROA: And some of them may have checked
25 it not knowing. So yeah, sure. Some of those people are going



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1 to have identification.

2 REPRESENTATIVE HARLESS: Thank you for your
3 testimony today.

4 MR. FIGUEROA: Thank you. I hope we can have
5 some more conversations.

6 CHAIRMAN BONNEN: Thank you very much.

7 MR. FIGUEROA: Thank you.

8 CHAIRMAN BONNEN: Chair calls Thomas Wheeler, an
9 attorney representing himself as a private individual here to
10 testify neutrally on the committee substitute to Senate Bill 14.
11 And I believe Mr. Wheeler is one of the experts. You will have
12 ten minutes.

13 MR. WHEELER: Yes, Mr. Chairman. Thank you.
14 Mr. Chairman, members of the committee, my name is Tom Wheeler.
15 For the last five years I have been chairman of the bipartisan
16 Indiana election commission, which means that I was chairman of
17 the commission during the implementation of Indiana's photo ID
18 law and the application of that law during the last 2006, '08
19 and '10 elections.

20 What I'd like to do -- and I really am not
21 familiar with the Texas photo ID law because I'm not speaking in
22 favor or against it. What I want to do is talk about our
23 experience. And to begin with, I'd like to tell you why Indiana
24 adopted our photo ID law and the nature that it is. We had
25 three basic reasons. One, our voter registration system was



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1 simply broken.

2 I believe Representative Aliseda indicated that
3 in Texas 12 of your 254 counties have more individuals
4 registered to vote than actually have adult voting age
5 population in those counties. In Indiana it was actually quite
6 a bit worse. We had 19 of our 92 counties had registered voters
7 in excess of the adult members of the population. So our voter
8 registration system was clearly broken.

9 We had 4.3 million registered voters yet a survey
10 of Indiana registered voters indicated that only three million
11 of our voters had registered to vote. So our system was clearly
12 broken. In fact, we had 36,000 documented deceased individuals
13 on our books that could not be purged based on, frankly,
14 partisan bickering between the two parties. So number one,
15 system was broken.

16 Number two, what caused this to take place in
17 2004? We had a massive series of voter fraud in East Chicago
18 Indiana. In fact, what happened, and it came out in a case in
19 front of the Indiana Supreme Court, two democratic mayoral
20 contestants in a primary engaged in so much voter fraud,
21 primarily absentee voter fraud, but so much voter fraud using
22 all of these unregistered or these over registered voters that
23 the Indiana Supreme Court referred to this -- they said they
24 were a deliberate series of actions making it impossible to
25 determine the candidate who received the highest number of legal



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1 votes cast in the election.

2 So we had a series of situations where the system
3 was broken. And it was so broken that we couldn't even tell who
4 had won an election. In addition to that loss -- and what that
5 created for Indiana, it created a substantial loss of confidence
6 in the voters. And that was represented by the fact that we had
7 seen substantial declines of voter turnout and voter confidence
8 in our system. They just didn't have any faith in the system
9 because of the voter registration problems and the rampant fraud
10 that had taken place in East Chicago.

11 When you took those two factors and combined with
12 the need to modernize our election system based upon the
13 requirements of HAVA and the NVRA, the State of Indiana took
14 steps in 2004 to pass their photo ID law.

15 I won't go into detail. There's been a lot of
16 discussion about Indiana's photo ID law. And you're correct.
17 It appears to be slightly more liberal than the current version
18 that has been introduced. Basically, our provision says if it's
19 a government issued ID with a photo and an expiration date and
20 displays the voter's name, then it's okay. And we allow some
21 flexibility in the voter's name. For example, it doesn't have
22 to be the exact name that's on the ID. If your name is Robert
23 John Crew but you go by the name John Crew or J. Crew, it is
24 acceptable under our law. We also have a couple of exemptions.
25 We allow, for example, if a voter is unable to obtain an ID



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1 because they don't want their picture taken or for some other
2 reason they are unable to obtain that ID, they can go and appear
3 in person in front of a county election board, make a verified
4 affidavit indicating why they couldn't have the ID, and they
5 would be permitted to vote or to have their provisional ballot
6 counted.

7 In addition, Indiana provides free IDs. Indiana
8 law and the Secretary of State's office has worked with the
9 office of BMV to keep our BMV branches open, for example, 6:00
10 a.m. to 7:00 p.m. on election day, so if someone's turned away
11 they could go back, frankly, on that day and obtain a photo ID.
12 If not, under our provisional balloting requirement, they have
13 ten days to obtain that provisional ballot.

14 Now, I want to turn in this brief amount of time
15 I've got to our outreach efforts. We took, as has been
16 documented by the Secretary of State from Georgia, we also took
17 substantial efforts to engage in outreach efforts to both the
18 minority communities and the white communities and the Hispanic
19 communities. We ran media buys. We spent \$1.6 million though
20 in 2006 alone.

21 Now as indicated in the question of the Secretary
22 of State from Georgia, we used primarily HAVA money to do that.
23 We used about \$2.1 million in HAVA money. We followed that up
24 with additional media buys of \$550,000 in 2008. But that has
25 tailed off. Why has it tailed off? Frankly, people understand



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1 our photo ID requirement. It's analogous to a situation where
2 when you were going to the airport, the first time you went to
3 the airport without a photo ID, you showed up and no photo ID,
4 you were going to go home.

5 Now people understand that they need to bring
6 their photo ID and people in Indiana understand that. We're not
7 sending people home with provisional ballots. We don't need to
8 spend the money in outreach efforts at that point because people
9 understand that. As was indicated a little while ago, in
10 Indiana if you want to get into a government building, you have
11 to show photo ID. If you want to cash a check. People in
12 Indiana now understand that. That is part of the extensive
13 voter outreach efforts that we made.

14 Now, the question is what happened in Indiana
15 after we did photo ID? And our experience is a little bit
16 different from Georgia because I can control for what has been
17 referred to in the questioning as the Obama factor. In Indiana
18 we actually had off-year elections. Because we implemented ours
19 in 2004, we had ours in 2006, 2010. We've had two off-year
20 elections that did not involve Barack Obama, did not involve
21 this historic situation that happened in 2008. Indiana in 2008
22 had a similar experience that I'm sure Texas and Georgia. We
23 had a tremendous voter turnout. Let's leave that aside for
24 right now and let's talk about the off-year elections because we
25 can compare 2002, 2006 and 2008.



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1 In 2006, our first year of photo ID, an off-year
2 election, we experienced, in contrast to the decline in voter
3 turnout we experienced about a 4 to 5 percent increase in voter
4 turnout in 2006, an off-year election. This had reversed the
5 steady decline that we had seen over the years. And in 2010 we
6 saw that trend accelerate. We actually experienced another 5
7 percent increase. We had gone from 46 percent in 2002 to 50
8 percent voter turnout in the off-year election in 2006, and we
9 increased that in the 2010 election to 55 percent. So in
10 Indiana our photo ID law has actually -- in my personal belief,
11 my experience it has increased voter turnout. Why? It's
12 returned some value, some integrity to the system, one. But
13 number two, what it has allowed us in Indiana to do is to begin
14 more creative outreach efforts and more access to the polls by
15 voters.

16 I mean, the partisanship of this is that the
17 democrats will come and say we want more access, we need more
18 people to be able to go, we need more places to vote, we need
19 more days to vote, we need extended hours. Well, in Indiana,
20 what photo ID has allowed us to do is for Republicans to come in
21 and say we have a comfort level with that because I know whether
22 you vote on Monday, Tuesday, Wednesday, whether we have
23 satellite voting, whether we have vote centers -- Mitch Daniels,
24 our governor, the first bill he signed this year was a bill in a
25 bipartisan bill to install vote centers in all 92 counties which



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1 is going to be a vast benefit to the manner in which we run
2 elections in Indiana.

3 I know you guys are on the elections committee.
4 Having served as the chairman of the election period for the
5 last five years, the biggest problem we have is staffing
6 precincts and the expense of staffing those precincts. Voting
7 centers allow us to do that. That's Bill No. 1 that Mitch
8 Daniels signed this year, a bipartisan bill.

9 Why were we able to do that? Because Republicans
10 had a level of comfort with increasing access because of photo
11 ID. We knew -- we knew that despite our bloated voter
12 registration roles that the MALDEF representative just
13 mentioned, that apparently you have a similar problem here in
14 Texas, despite those voter registration roles, we knew that if
15 Mickey Mouse was registered to vote in Indiana, Mickey Mouse was
16 going to have to show up with a photo ID with his picture and
17 his name on it. And that became very relevant and important in
18 the 2008 election.

19 I received a call from the Lake County Board.
20 That's where East Chicago is located. Heavily democratic,
21 heavily African-American. ACORN had taken to that -- and this
22 was a democrat calling me. ACORN had come in and engaged in a
23 systemic dump of voter registrations and obviously fraudulent
24 voter registrations. They were Mickey Mouse, George W. Bush,
25 Jimmy John's, which is a sub franchise. They were obviously



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1 fraudulent. The good news in Indiana is, I don't care that much
2 about it. You know why? Because if you registered as Jimmy
3 John's or George W. Bush, you better show up with a photo ID at
4 the poll that says you're George W. Bush. It increased the
5 voters' integrity in the system, despite what we had seen as a
6 fairly systemic attack on our voter registration rolls. That's
7 what photo ID did in Indiana. It brought integrity back to the
8 system. And because of that, I would suggest it increased voter
9 turnout.

10 To answer a question I think Representative
11 Veasey, if I'm pronouncing it correctly, there was a study done
12 -- I see my time is up. May I briefly conclude? One minute?

13 CHAIRMAN BONNEN: I'd prefer you not to.

14 MR. WHEELER: Fair enough.

15 CHAIRMAN BONNEN: Are there any questions,
16 members? Represent Gutierrez.

17 And just so we understand, we're trying to make
18 sure we're very fair about this and every expert gets exactly
19 ten minutes or just barely beyond that.

20 MR. WHEELER: I understand. Thank you.

21 CHAIRMAN BONNEN: Represent Gutierrez has
22 questions.

23 REPRESENTATIVE GUTIERREZ: Thank, Mr. Chairman.

24 You suggested there was an increase in voter
25 turnout in the 2006 and the 2010 elections. But that's just



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1 generally speaking. Did you break it down into Latino and
2 African-American communities?

3 MR. WHEELER: I know in 2006, yes. That was
4 precisely the question I was going to get to. There was a study
5 done by a professor at the University of Missouri, Professor
6 Milio. And I've got this information which I'll share with the
7 committee. But in his report called The Effects of Photographic
8 Identification on Voter Turnout in Indiana County Level
9 Analysis, what he did is he looked at the elections and he
10 looked at between -- he compared 2002 and 2006, the two off-year
11 elections. And let me read you his conclusion. I'd be happy to
12 provide a copy of the report, and I did provide it to my
13 testimony to the Senate I believe in 2009. Quote: "Voter
14 turnout in Indiana increased about 2 percentage points from 2002
15 to 2006." He was using only in-person voter numbers. "However,
16 in counties with greater percentages of minority or poor voters,
17 turnout increased by even more." His concluding statement was,
18 "The only consistent and frequently significant effect of voter
19 ID that I find is a positive effect on turnout in counties with
20 a greater percentage of democratic leaning voters." The
21 conclusion of the study was that photo ID -- turnout was better
22 in those counties, the minority leaning counties. And our --
23 Lake County, for example, Marion County, St. Joseph County. And
24 I would respectfully suggest --

25 REPRESENTATIVE GUTIERREZ: It's a minority



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1 county, though. And I'm not -- I don't want to be argumentative
2 with you, but you're telling me about a minority county. The
3 study is great and I appreciate it. Professor
4 whatever-his-name-is is Latino, if I'm not mistaken. My concern
5 is these numbers are very -- you can get them. Your Secretary
6 of State can get them.

7 MR. WHEELER: Sure.

8 REPRESENTATIVE GUTIERREZ: And so you're saying
9 the State has got the actual numbers of Latino and
10 African-Americans voting?

11 MR. WHEELER: And that's what he relied on in
12 this study. And my point is, the study breaks those out on a
13 county-by-county basis. And what it suggests and I think what
14 it supports the conclusion that if photo ID is designed to
15 suppress democratic voters, it's not working. And we know that
16 in 2008 because for the first time in 45 years we voted for a
17 democrat for president.

18 And in fact, in that 2006 election, the first
19 time photo ID had been implemented we lost -- the republicans
20 lost three house seats to democrats. So photo ID is designed to
21 suppress democratic voters, minority, Hispanic, typical
22 democratic voters, it doesn't work very well, at least not in
23 Indiana.

24 REPRESENTATIVE GUTIERREZ: Perhaps I'm not
25 explaining myself or, as my wife says, maybe I'm not listening.



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1 I choose not to sometimes.

2 MR. WHEELER: That's on the record.

3 REPRESENTATIVE GUTIERREZ: That's on the record.

4 Yeah, I'll be in trouble.

5 I guess you said that in minority communities --
6 minority counties is what you said -- that the numbers
7 increased. That doesn't tell me that Latino voters or
8 African-American voters have increased. All that tells me is
9 that in counties where you have more Latinos and African
10 Americans that voting increased. That doesn't distinguish
11 whether you had more Anglos voting, Latinos, or
12 African-Americans.

13 MR. WHEELER: That's an absolutely fair
14 statement. The study did not break it out in that fashion, but
15 those numbers are freely available, and I'd be happy to provide
16 them to you.

17 REPRESENTATIVE GUTIERREZ: And that's what I'm
18 getting at, because your Secretary of State can pinpoint here's
19 the African-American vote in '04 and '06 and 2010, and so here
20 is the Latino vote. And that's really what I'd like to see,
21 just raw, real numbers rather than some study that tells me, oh,
22 yeah, the numbers went up in a community. Well, in that
23 community I've got Latinos, Asians, African-Americans. I've got
24 Anglos. I mean --

25 MR. WHEELER: True. But on a county-wide basis



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1 is what it shows is with a county-wide basis with large minority
2 communities, the voters -- the amount of voting, the voter
3 turnout is high. I realize it's not broken down. And I'll be
4 happy to provide those numbers.

5 REPRESENTATIVE GUTIERREZ: Well, thank you. I
6 appreciate that. That was really my only question for you. I
7 really appreciate you coming down for us.

8 MR. WHEELER: I was hoping you were going to ask
9 me the Austin question, because I love Austin.

10 REPRESENTATIVE GUTIERREZ: I hope you like the
11 Spurs too.

12 MR. WHEELER: I'm a Pacer fan and we're
13 suffering.

14 CHAIRMAN BONNEN: So you will be able to get us a
15 copy of that report which will have the actual numbers as to
16 what the turnout --

17 MR. WHEELER: Right. And what I'll do, I'll pull
18 it down. I'll go 2002, '4, '6, '8 and '10. I think it will be
19 fairly --

20 CHAIRMAN BONNEN: That would be wonderful.

21 REPRESENTATIVE GUTIERREZ: To be clear, Mr.
22 Chairman, that report doesn't have the numbers. It just simply
23 states that voting went up in these minority communities.

24 MR. WHEELER: No, I'm not going to -- I'll give
25 you Professor Milio's report, which is useful. But what I'll



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1 give you is the raw -- you were asking for the raw numbers. You
2 want to know in Indiana statewide how many African-Americans
3 voted in '2, '4, '6, '8 and '10, how many self-identified
4 Hispanics vote, '2, '4. If it's there, I'll get it for you.

5 REPRESENTATIVE GUTIERREZ: Thank you.

6 CHAIRMAN BONNEN: Representative Harless has
7 questions.

8 REPRESENTATIVE HARLESS: I just wanted to ask one
9 question. You know we've talked a little bit about the
10 provisional ballots here. And in Texas we have a six-days to
11 return for with provisional. Georgia has two. Indiana has ten.
12 Can you talk about that some.

13 MR. WHEELER: Absolutely. And I know we were
14 discussing the dangers of empirical studies, but there was a
15 study in the Journal of Law & Politics that looked at
16 provisional balloting in Indiana. And we know -- they broke out
17 only the 2008 election in this particular study. We do know
18 that there were 2.8 million voters in Indiana. And our numbers
19 look a lot like Georgia's numbers, which is to say that for
20 voter ID provisional balloting, out of that 2.8 million only
21 1,039 provisional ballots were given for photo ID issues, which
22 represents .037 percent of the total individuals voting. Of
23 those -- and our numbers were similar and actually a little
24 lower than Georgia -- only 137 people came back and provided ID.
25 In our situation, as you noted, we have a very, very liberal --



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1 if you don't have the photo ID, you can simply attest that
2 that's you. So we have a very liberal provisional balloting
3 standard.

4 I would suggest to you, in this particular study
5 they argue that one of two things is happening with those other
6 902 people. One, those people are engaged in voter fraud and
7 these are voter fraud people that we've caught because they
8 can't come back and show photo ID. I would suggest -- with all
9 due respect, I would suggest that in reality what happens with
10 the provisional balloting is what the Secretary of the State of
11 Georgia said, which is that provisional balloting, once -- for
12 example, in 2008, Barack Obama -- Indiana was the swing state --
13 won Indiana by 30,000 votes. All right? I think people choose
14 simply not to come back at that point in time because they
15 realized that it didn't make any difference as to whether or not
16 they came back. So I would suggest that they simply chose not
17 to do that. We had 137 people that did, and all those people's
18 provisional ballots were counted.

19 REPRESENTATIVE HARLESS: So you don't think that
20 the additional days of cure increased the number of people that
21 come back, because Georgia numbers he said --

22 MR. WHEELER: Their numbers were a little higher
23 than ours.

24 REPRESENTATIVE HARLESS: They were 1,200 and 308
25 returned, which is about 26 percent. 271 in a provisional



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1 election. 82 returned, which was about 30 percent. Yours is a
2 lot less.

3 MR. WHEELER: 13.7 percent.

4 REPRESENTATIVE HARLESS: So the difference
5 between the two-day and ten-day cure really doesn't matter.

6 MR. WHEELER: Honestly, this is my own personal
7 opinion. I think the longer you go people just --

8 REPRESENTATIVE HARLESS: The less they're
9 likely --

10 MR. WHEELER: Well, there's no challenge. It's
11 over, the vote. Why should I take my time to go do it?

12 REPRESENTATIVE HARLESS: Thank you so much for
13 traveling here.

14 MR. WHEELER: Thank you very much.

15 CHAIRMAN BONNEN: Representative Pena has a
16 question.

17 REPRESENTATIVE PENA: I want to make sure if I
18 could sum up your testimony. You had some voter fraud occurring
19 in your state of -- I consider -- you consider it to be
20 widespread; am I correct?

21 MR. WHEELER: Certainly in East Chicago. East
22 Chicago, the city itself, was declared a corrupt -- under the
23 RICO statute was declared to be a corrupt business enterprise.
24 So it was substantial in the City of East Chicago.

25 REPRESENTATIVE PENA: Okay. And I take it that



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1 much of the fraud you're talking about wasn't necessarily voter
2 impersonation.

3 MR. WHEELER: No.

4 REPRESENTATIVE PENA: But your state found it
5 important, and do you agree that it's important that the
6 instilling of voter confidence in elections is an important
7 state function?

8 MR. WHEELER: Not only we did. The Supreme Court
9 did in our case. I was a defendant in our case, the Crawford
10 case. The Supreme Court said that is part of a valid basis for
11 photo ID. It's one of the three factors that they looked at.
12 Absolutely. Supreme Court said that.

13 REPRESENTATIVE PENA: Okay. So if we have
14 evidence or at least testimony from other individuals that there
15 is voter fraud in fact occurring, not necessarily voter
16 impersonation, is that something that Texas would have a
17 legitimate right to address because --

18 MR. WHEELER: Absolutely.

19 REPRESENTATIVE PENA: Because the citizens are
20 calling for it.

21 MR. WHEELER: And the Supreme Court has said you
22 do. Absolutely.

23 REPRESENTATIVE PENA: Very good. Thank you.

24 MR. WHEELER: Thank you.

25 CHAIRMAN BONNEN: Representative Veasey has



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1 questions.

2 VICE CHAIRMAN VEASEY: And Representative Pena
3 touched on what I wanted to ask you because, you know, at the
4 beginning of your testimony, I was in the back listening, and
5 you had talked about the voter fraud that had taken place. I
6 don't think you used the word voter impersonation. But can you
7 elaborate for me exactly what type of voter fraud was taking
8 place and what type of convictions did you get out of it. And
9 where is East Chicago?

10 MR. WHEELER: It's east of Chicago. It's Lake
11 County. It's immediately adjacent to Chicago, Lake County.

12 VICE CHAIRMAN VEASEY: So on Lake Gary?

13 MR. WHEELER: Gary is in Lake County as is East
14 Chicago. So they're adjacent to each other. There was a movie
15 called The King of Steel Town. If you've ever seen it, I
16 recommend it to you. It shows systemic voter fraud. The big
17 thing they did was sidewalks for votes. They bought votes by
18 paving people's sidewalks, using public employees to pave
19 people's sidewalks. The entire administration was indicted and
20 almost all of them have been convicted of fraud and are serving
21 time in federal penitentiaries for this. So when we talk about
22 fraud, there's purchasing of votes, absentee ballot fraud, the
23 whole gamut of fraud.

24 The key factor for us in Indiana was that
25 widespread corruption -- not only was there widespread



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1 corruption, but the mayor, or Mayor Pastrick bragging in a movie
2 about how corrupt and how he had used political influence to
3 purchase votes frankly disgusted people in the State of Indiana
4 with the entire system. They lost confidence. And photo ID, I
5 would submit to this committee, has brought that confidence back
6 to the State of Indiana. And, as I respond to Representative
7 Pena's question, the Supreme Court found that that was a
8 legitimate reason for the government to enact the legislation
9 against an equal protection challenge.

10 VICE CHAIRMAN VEASEY: But in relation to the law
11 that we're trying to pass, if you -- you know, if you're buying
12 votes for patronage, the people that are voting, that have those
13 jobs, that patronage, they're not necessarily committing voter
14 impersonation. They may be voting because they think that this
15 is the person that is going to protect their jobs, which would
16 be illegal, but it is different than what we're discussing
17 today.

18 MR. WHEELER: You're absolutely right.

19 VICE CHAIRMAN VEASEY: It's completely different.

20 MR. WHEELER: Right. And this wouldn't address
21 that at all. But what the bill -- I would suggest to you that
22 our photo ID bill did is, we had a crisis of confidence in our
23 election system. And photo ID, I think the turnout shows, the
24 increase in turnout, photo ID in Indiana has resolved that
25 crisis of confidence, not only resolved it, but allowed us and



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159

1 people on the Republican side to reach out and embrace ideas
2 that years ago they would not have embraced that allow more
3 voter turnout. And I think with what governor Daniels signed --
4 we're a partisan state. The democrats in our rep -- are in
5 Illinois right now. Within that -- they broke -- we have a
6 break. I know you had it with redistricting. They've left. We
7 are not currently a bipartisan state. This is an issue we were
8 bipartisan on. And that's what's the cool thing. And photo ID
9 allows you to do that, allows you to reach across and for
10 Republicans to have a comfort level to allow for different types
11 of voting and methodologies that you wouldn't have without photo
12 ID, at least that's what we've experienced in Indiana.

13 CHAIRMAN BONNEN: Let me ask you this. And I
14 think we're wrapping up. I hope we are. So you're -- I want to
15 make sure I understand your belief here -- is that by passing
16 voter ID you increased the voter turnout which reduced the
17 significant impact that voter manipulation through patronage and
18 other things could have upon an election?

19 MR. WHEELER: That would be true.

20 CHAIRMAN BONNEN: Okay. Thank you very much.
21 Appreciate your being here.

22 (Transcript resumed in Volume II of II)
23
24
25



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160

1 I, Amy C. Kofron, Certified Shorthand Reporter in
2 and for the State of Texas, hereby certify to the following:

3 That the CD entitled, "Texas House of Representatives
4 82nd Legislature, Select Committee on Voter Identification and
5 Voter Fraud, March 1, 2011" was transcribed at the request of
6 Anne Wilson, Attorney General's Office, Austin, Texas 78701, and
7 The amount due is \$_____.

8 That the aforementioned CD was transcribed to the best
9 of my ability to hear and understand the CD;

10 That the transcript was submitted by E-trans on April
11 12, 2012, to Anne Wilson, Attorney Generals' Office, 209 West
12 14th Street, Austin, Texas 78701;

13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties or attorneys in
15 the action in which this proceeding was taken, and further that
16 I am not financially or otherwise interested in the outcome of
17 the action.

18 Certified to by me, this 12th day of April, 2012.



22
23
24
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TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
SELECT COMMITTEE ON VOTER IDENTIFICATION
AND VOTER FRAUD HEARING
MARCH 1, 2011

VOLUME II OF II

Transcribed by Rhonda Howard, CSR
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(Continued from Volume 1)

CHAIRMAN BONNEN: Members, we're going to move to some public testimony, which is limited to three minutes per witness. We have, I believe, if I'm counting correctly, three expert witnesses left. We're going to have them by Skype, which is something I'm unfamiliar with, but we have a computer expert who will help us do that. And when -- when he arrives, which he is not late at all, but when he arrives we'll go back to those expert witnesses who, again, have ten minutes.

So let me call Virginia Townsend, court -- representing myself [sic] as a private individual court watcher is here to testify for Committee Substitute Senate Bill 14.

Mrs. Townsend, if you would state who you're with and -- for the record.

VIRGINIA TOWNSEND: Good afternoon. Virginia Townsend. I'm with the OWLS, which is Objective Watchers of the Legal System. I'm from Hidalgo County. We were here two years ago to testify. There were hard-working people from Progresso that drove all night to get here. So they thought they would get a chance to testify, because they live with this every day. They live on a --



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1 right next to Progresso Bridge, so they have people
2 come over from Mexico all the time. Now, the people
3 who live there all the time know who lives in the
4 town and who does not. And so they watch the voting
5 process. And a lot of the people who did not live
6 in this country, who did not live in Progresso --
7 they were allowed to vote. And one lady was here
8 two years ago, and she wanted to testify to this.
9 And she knew she was putting herself in danger, but
10 she was going to do it, and she was not allowed to
11 testify. But it does happen. Voter impersonation,
12 I am sure, is not real common, but it does happen.
13 And especially we on the border, where it's so
14 easy -- I mean, we're just coming across and back
15 and forth, and it's easy if somebody wants to
16 manipulate somebody to make them vote. So -- but
17 it's not the only problem we have. That's not all.
18 There's others ways that our -- our election systems
19 are broken like Indiana's was or whomever we take.

20 We need a lot of work on our system and
21 putting laws in place that make us so we are more
22 secure about our voting process.

23 We're in the process right now of losing
24 our confidence, and that's why there's such --
25 everybody -- some people think there's overreaction,



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1 but it isn't. It's because it's the most important
2 thing in the world to us to have the security of one
3 person, one vote. And we don't see that all the
4 time. So we do get a little bit panicky and we do
5 get a little bit paranoid, but that's -- now, we're
6 court watchers. I've been a court watcher for 30
7 years, so I've been around a long time. So I --
8 I -- I've seen good people come in and try to clean
9 it up, and then something comes and messes it up
10 again. So I -- I don't know. We count on you all
11 to know the right thing to do.

12 I am very sorry to see it is partisan. I
13 was -- don't like partisan, but that's what I see
14 here. And I believe Representative Veasey said it
15 wasn't partisan, and I kind of went, whoa, not
16 partison, huh? Well, anyhow, I think it is. But I
17 don't care about who belongs to what and who's
18 Democrat and who's Republican. All I care is that
19 we get our system back like it should be where
20 everybody is confident that when they come, it is
21 one person, one vote. Thanks.

22 CHAIRMAN BONNEN: Thank you very
23 much, Ms. Townsend. Any questions, Members?
24 Representative Gutierrez, go ahead.

25 REPRESENTATIVE GUTIERREZ: Thank you,



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1 Ms. Townsend. How -- how did you all get that gal
2 across the check point last session?

3 VIRGINIA TOWNSEND: Oh.

4 REPRESENTATIVE GUTIERREZ: I was just
5 wondering.

6 VIRGINIA TOWNSEND: I don't know how
7 she came on the check point. I don't know. I
8 didn't ask.

9 REPRESENTATIVE GUTIERREZ: Oh, good
10 for her.

11 VIRGINIA TOWNSEND: She was with
12 30-some people. Maybe she just got lost in the
13 bunch. I don't know.

14 REPRESENTATIVE GUTIERREZ: Well,
15 thank you very much for coming. Thank you, ma'am.

16 CHAIRMAN BONNEN: Fern Mclaugherty -
17 I probably messed that up; I apologize - here to
18 testify for Committee Substitute Senate Bill 14.

19 FERN MCLAUGHERTY: Fern Mclaugherty.
20 I am for SB-14. And like I say, it's Mclaugherty.

21 CHAIRMAN BONNEN: Uh-huh.

22 FERN MCLAUGHERTY: We are to have a
23 driver's license and a CHL. And I believe they have
24 to be current to be legal. One cannot be without
25 the other. They're a team together. We have to



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1 have an I.D. with picture on it to go to Sam's, be a
2 student. Government jobs, we have picture I.D.
3 Doctor's office. I saw a lady the other day. She
4 was in a walker. She got turned around to go home
5 and get her I.D., because she couldn't see the
6 doctor, because she forgot her -- her driver's
7 license. Military, passport, Social Security, when
8 you go in there, they want your I.D. They want a
9 picture I.D. of you.

10 I have been a poll catcher, I have been a
11 judge, and I have been on the ballot board. And we
12 need to work there a great deal. We need to work
13 there. You all need to work on those -- those three
14 positions.

15 We had one -- we have a gentleman that's
16 from Progresso. He has drawers -- drawers of voter
17 I.D. cards that he pulls out and hands to people,
18 which is that lady that we were talking about that
19 was in the room with you all. Some of you all were
20 here. And they stopped them from testifying. So
21 now I know why sometimes you all never see any,
22 because you don't allow them to testify. But she
23 was here and was willing to tell you all that this
24 man gave you [sic] one. Now, not only is she an
25 illegal and she was a lady, but she voted as a man,



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1 because it was a man's name on the card, but nobody
2 noticed that.

3 So like I say, we were here two years ago
4 and it was a -- a little surprising. And like I
5 said, we don't know how she got across. She wasn't
6 with us. But with 33 coming, I guess they just let
7 them come on. We don't know.

8 Our last elections administrator, the one
9 before we have now, she was indicted and she's pled
10 out. And so we not only start at the top with
11 things in illegal and working down with things, we
12 start at the top. We had a Commissioner,
13 Precinct 1, that's in the federal pen --
14 penitentiary right now. So from Hidalgo County,
15 like I say, we start at the top on and work down.

16 So we would like to have the voter I.D.
17 We go around for the last two years and we've asked
18 the poor people that we meet, we've asked the
19 elderly, "Do you have a problem with the voter I.D.
20 with your picture on it?" I have yet to have one,
21 not one. They all say, "Heavens, yes, it would be
22 so much easier." And the last time I was here, I
23 understand that some of you didn't know where your
24 voter registration cards are. How many of you know
25 where your driver's license are or your CHL? I have



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1 both of them. When I came in the building today I
2 handed him my CHL, and I got right on through.

3 Today someone stated that being 70 years
4 old, I believe, that you don't need a -- a picture
5 I.D. Don't you still have to have one for like
6 Social Security, Medicare, Medicaid, whatever? So
7 I'm 62. I'm trying to figure out how old I am. I'm
8 either 62 or going to be 63, somewhere in there. So
9 that means when I get to be 70, my driver's license
10 and my CHL, I won't need? I'll be able to carry
11 them; that's the age I'll be --

12 CHAIRMAN BONNEN: Thank you. Your
13 time is up.

14 FERN MCLAUGHERTY: Okay. Thank you.
15 I do appreciate it. And we do want the voter I.D.

16 CHAIRMAN BONNEN: Thank you. Any
17 questions, Members?

18 Bee Whitlock here to testify for the
19 Committee Substitute Senate Rule 4.

20 UNIDENTIFIED REPRESENTATIVE: Bob?

21 CHAIRMAN BONNEN: Yes.

22 UNIDENTIFIED REPRESENTATIVE: I have
23 a question of Ms. Harless, since this is her bill.
24 With respect to the 70 requirement --

25 CHAIRMAN BONNEN: Right.



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1 UNIDENTIFIED REPRESENTATIVE: --
2 could you explain how that works for the record,
3 please.

4 REPRESENTATIVE HARLESS: The 70
5 requirement was put on in the Senate. And the
6 thought process was that -- that members, citizens,
7 that were of the age 70 become less active in -- for
8 the record, any of my friends that are in the room
9 that are 70, 80 or 90, please don't hold that
10 against me. It was not my statement. But that's a
11 time in their life where they have a tendency to be
12 less active, and we wanted them to have the
13 provision of the exemption.

14 UNIDENTIFIED REPRESENTATIVE: And --
15 and the exemption, as I understand it, is actually
16 going to -- the group is actually going to grow
17 smaller --

18 REPRESENTATIVE HARLESS: Yes.

19 UNIDENTIFIED REPRESENTATIVE: --
20 through attrition. Is that right?

21 REPRESENTATIVE HARLESS: That's
22 exactly right.

23 UNIDENTIFIED REPRESENTATIVE: All
24 right. Thank you.

25 CHAIRMAN BONNEN: Mrs. Whitlock.



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1 BEE WHITLOCK: Yes. Bee Whitlock,
2 I'm from Hidalgo, and I'm also with the House. And
3 I know you all don't understand the way we live in
4 Hidalgo County, but it's -- it's just terrible. We
5 really have a problem. And we've got expired
6 people voting. And I'm soon -- going soon to be 80,
7 and I don't feel like I need to be cut down on
8 anything. So -- and every time I go to the doctor I
9 have to show my I.D. I go get a prescription, I
10 have to show my I.D. So we're just for it and want
11 to go through it real bad. Thank you.

12 CHAIRMAN BONNEN: Thank you very
13 much.

14 Questions, Members? Thank you.

15 Elizabeth Barns here to testify for
16 Committee Substitute Senate Rule 4.

17 ELIZABETH BARNES: Afternoon. My name
18 is Beth Barns or Elizabeth Barns. And I'm with the
19 OWLS, and I'm also from Hidalgo County.

20 Voter I.D, what a concept. We live in the
21 Rio Grande Valley where there's a big problem. I
22 worked the 2010 election this year, finding out
23 many, many things.

24 First of all, we had people come in with
25 no I.D., I don't have a driver's license, I don't



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1 have my voter registration card, but my name is. We
2 found them.

3 We have driver's license -- we can -- one
4 young man came in with a Mexican driver's license.
5 He was in the system. No picture or his year --
6 birthdate was not there. We couldn't verify that.

7 Then we had another gentleman come in,
8 California driver's license with a La Joya, Texas,
9 address. Who knows.

10 Illegals are a problem. They come across
11 the river for the better life that we can offer.
12 Some of them don't get out of the Valley, and they
13 stay there. Well, some of them have been there for
14 20 or 25 years. They somehow get a driver's license
15 and other identification -- pieces of identification
16 and the voter I.D. card. They come in and vote.

17 We just don't know what to do with it
18 anymore, but we do very much want to have the photo
19 voter I.D. card. Thank you.

20 CHAIRMAN BONNEN: Thank you. Okay.
21 Mark Williamson, Minister Federal Intercessors, is
22 here to testify for the Committee Substitute Senate
23 Bill 4.

24 MARK WILLIAMSON: Thank you. I was
25 here two years ago with the Senate, and that was



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1 quite an exercise, but glad to be back, honored to
2 be here and to testify on behalf of the voter I.D.
3 bill.

4 I'm an ordained minister dealing primarily
5 with dozens of United States Congressmen in
6 Washington, D.C. I recently served as the guest
7 chaplain of the U.S. House of Representatives just a
8 couple weeks ago. I approached this perhaps
9 differently than most, being a citizen of Texas and
10 also a minister focusing on God's design for the
11 federal government. Based on the truth of
12 scripture, our federal and state constitutions, I
13 submit it is imperative to pass this legislation and
14 to vote against it is a dereliction of one's duty.
15 It's time to secure the vote.

16 The Biblical command to do everything
17 decently and in order is not just a rule for
18 churches; it is a life principle. And it is a
19 principle particularly applicable to civil
20 government and its processes. Romans 13 says that
21 civil rulers, and that includes you Representatives,
22 are the ministers of God to reward good and punish
23 evil. You are stewards before God with a great
24 weight of responsibility and opportunity that you
25 will answer for. And do not take it lightly.



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1 To all the Members of the House, I would
2 urge you to not reduce yourself or your position so
3 as to compromise commonsense and integrity in our
4 election process. It is time to secure the vote.
5 God is a God of standards and boundaries from
6 Mt. Sinai to the borders of nations to the
7 boundaries of one man one woman marriage and
8 salvation through Jesus Christ alone.

9 Do not ignore the principle. Let there be
10 one standard universally applied so that all who
11 vote are legitimate, qualified and identified
12 voters. A photo I.D. is not too much to ask to
13 secure our vote. And how would it be done if not
14 through the simplicity of a photo I.D.? A photo
15 I.D. is not an unbearable burden when one can't
16 function in our modern society without it. The
17 argument that a photo I.D remains an undue burden in
18 light of all the safeguards already in this bill to
19 protect the rights of everyone is now only a
20 distraction unworthy of serious discussion among
21 rational adults.

22 The Bible also states that whoever resists
23 the ordinances of God and, by implication, His
24 standards of integrity will bring judgment on
25 themselves. And that goes for both citizens and



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1 rulers. God hates unjust weights and measures, the
2 double standard that defines the lack of integrity.
3 That means He is for single universally-applied
4 standard equal for and protective of everyone, the
5 Electorate as a whole, not just partisan
6 constituencies.

7 I urge you to set a meaningful standard,
8 set a standard against fraud and abuse of a sacred
9 process, secure our votes and our elections. Even
10 if I, for whatever reason, were unable to produce my
11 driver's license at the polling booth, I would
12 gladly sacrifice my vote to be confident that the
13 Electoral process was sound and secure, no matter
14 the outcome.

15 CHAIRMAN BONNEN: Sir --

16 MARK WILLIAMSON: Yes.

17 CHAIRMAN BONNEN: -- your time is up.

18 MARK WILLIAMSON: Okay. I was just
19 about to close anyway.

20 CHAIRMAN BONNEN: Thank you very
21 much.

22 MARK WILLIAMSON: Thank you very
23 much. God bless you.

24 UNIDENTIFIED REPRESENTATIVE: Thank
25 you.



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1 MARK WILLIAMSON: And God bless
2 Texas.

3 CHAIRMAN BONNEN: Thank you.
4 Sir, could you come back and state your
5 name on the record.

6 MARK WILLIAMSON: I'm sorry. Mark
7 Williamson, Katy, Texas.

8 CHAIRMAN BONNEN: Thank you.
9 John Marler here to testify for the
10 Committee Substitute Senate Bill 14. John
11 M-A-R-L-E-R. Okay.

12 Anita Previtter with the League of Women
13 Voters of Texas here to testify against the
14 Committee Substitute to Senate Bill 14.

15 UNIDENTIFIED REPRESENTATIVE: We're
16 trying to get back to the expert witnesses in about
17 15 minutes here.

18 CHAIRMAN BONNEN: (Inaudible).

19 ANITA PRIVETT: Thank you for this
20 opportunity. My name is Anita Privett. I'm the
21 Advocacy Vice President for the League of Women
22 Voters of Texas. And I think most of you know about
23 the League's long history of 90-plus years of
24 working on things like voter education. We really
25 believe that civic engagement is extremely



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1 important.

2 Of those without -- I just have a few
3 points to make, because you had heard a lot already.
4 Of those without a driver's license, it's estimated
5 that more than 70 percent of them are women and over
6 one-third are seniors. Unless they happen to have a
7 less common form of acceptable I.D., these
8 individuals could include any who turn 70 over --
9 after January 1st, 2012, which I happen to one of
10 those. I'll be turning 70 next year. And I assure
11 you that I have a passport and a driver's license
12 today. But I know a day will come when I don't
13 have. And my kids live in Kentucky, and I don't
14 want to live in Kentucky; it's cold. So I may not
15 have the easy access to being able to get an I.D.
16 that it -- that you have if you have a child nearby
17 who can take you to get those I.D.s. We believe
18 that that's going to be a problem for quite a number
19 of seniors, as well as women.

20 Remember that -- that people have to keep
21 current an I.D., not just have one at one point in
22 time. Obtaining and renewing a photo I.D. would be
23 most difficult for those who do not drive and who do
24 not already have the supporting documents that are
25 required. SB-14 gives voters new reasons to worry



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1 that discrepancies between I.D. and the precinct
2 list would disqualify them from voting a regular
3 ballot. Discrepancies in name tend to be more
4 common for women who may change their name if they
5 marry, divorce or remarry.

6 The real problem in Texas is not voter
7 impersonation. It is low voter turnout. Texas
8 ranked 50th among the states in voter turnout in
9 2010. No state had a lower turnout than Texas.

10 Each election The League of Women Voters
11 fields a lot of questions from voters. They call
12 our offices and ask questions. If we can't give
13 them simple, clear answers they decide not to vote.

14 This voter I.D. requirement is going to
15 make it very difficult for people to really
16 understand what their options are. There are too
17 many options in some ways and there aren't enough in
18 others, but it's going to be confusing and people
19 are going to be intimidated by it.

20 Stricter photo identification requirements
21 are not what Texas needs. Further implementing
22 these needless requirements would involve expensive
23 new government programs to provide and renew photo
24 I.D.s for meeting --

25 CHAIRMAN BONNEN: Ma'am, I'm sorry.



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1 Your time is up. Any questions, Members?

2 ANITA PRIVETT: Okay.

3 CHAIRMAN BONNEN: Representative
4 Harless has a question.

5 REPRESENTATIVE HARLESS: To let you
6 know, there is a provision in the bill that allows
7 for ongoing training in the discrepancies of names
8 and for that person to be able to cast their ballot.

9 ANITA PRIVETT: Provisional ballot?

10 REPRESENTATIVE HARLESS: No, a
11 regular ballot.

12 ANITA PRIVETT: Well, that's good to
13 know. I didn't know that.

14 REPRESENTATIVE HARLESS: They sign an
15 affidavit saying, you know, when you've changed a
16 name. If you were married or left off an initial,
17 there's a provision in there.

18 ANITA PRIVETT: I'm sorry. I didn't
19 realize that that change had been made.

20 CHAIRMAN BONNEN: Thank you.

21 Kenneth Buelter, B-U-E-L-T-E-R, Goliad
22 County, Republican Party, here to testify for the
23 Committee Substitute Senate Bill 14.

24 MR. BUELTER: Thank you, Chairman
25 Bonnen and Committee. I'm here today --



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1 CHAIRMAN BONNEN: Could you please
2 state your name.

3 MR. BUELTER: Kenneth Buelter, Goliad
4 County, Republican party, here to testify for Senate
5 Bill -- or the substitute for sub -- Senate Bill 14.

6 Chairman, I appreciate the opportunity to
7 be here today. I am in a county that, as
8 Representative Aliseda, who is my new
9 representative -- and I appreciate his questions
10 that he's put forward to all the witnesses today --
11 in a county that's very near something that he
12 mentioned earlier. Goliad County registered voters
13 for the general election in 2010 that we just had
14 are 5,552. Goliad is a small county in South Texas,
15 near Victoria. Our Census data just released in the
16 last few weeks for Goliad County shows a total
17 voting age population over the age of 18 at 5,562.
18 That means I have 99.82 percent of available
19 registered voters in Goliad County registered. I do
20 not believe that to be truthful.

21 However, this voter I.D. bill gives us all
22 the opportunity that when my election judges at each
23 election have to verify those voters that they can
24 have an easy method of verifying that by having them
25 present a photo I.D. that shows that judge who they



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1 are and why they should be able to have the
2 privilege to cast a ballot in that election. Thank
3 you.

4 CHAIRMAN BONNEN: Questions, Members?
5 Thank you. Appreciate your being here.

6 Alan Vera here testifying on behalf of
7 himself for the Committee Substitute Senate Bill 14.

8 ALAN VERA: My name is Alan Vera. I
9 represent myself and probably a half dozen other
10 old, cranky Vietnam vets. I'm here to speak for the
11 Committee Substitute voter I.D. photo bill.

12 Last November, I volunteered to serve as
13 an alternate judge for the general election. My
14 presiding judge assigned me to work the voter
15 registration booth to sign in voters for precinct.
16 There were three incidents in my assigned precinct
17 that I think you should know about.

18 The first was fairly benign. I had a
19 voter approach me and hold out three voter
20 registration cards made out to her name in various
21 forms. She asked me which one she should use. She
22 was not trying to commit voter fraud. She simply
23 needed guidance, because she had received three
24 separate voter cards.

25 The other two incidents were far more



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1 serious. I'm very meticulous, almost to the point
2 of being anal. I took the job very seriously my
3 first time working the polls, took all the courses,
4 read all the books, even went through the Texas
5 Election Code, all thousand pages of it. By law, I
6 was accepting all forms of I.D. allowed by the
7 Election Code, putting aside my personal opinions,
8 including utility bills, expired out-of-state
9 driver's licenses, et cetera.

10 Around noon, I had a voter present me a
11 valid voter I.D. card. When I went to find her name
12 in the book, I found she had already voted that day,
13 or, rather, someone else had voted in her name. And
14 I was the one who let that person vote, using some
15 other form of I.D. I informed her of the problem.
16 She was understandably annoyed and irritated. She
17 offered her driver's license to prove she was the
18 person she claimed to be. I called the presiding
19 judge, who reviewed the situation, called the County
20 for a ruling, and we allowed that woman to vote
21 provisionally, but she was told her vote probably
22 would not count. We had disenfranchised a Texas
23 voter in a minority area.

24 It happened again at 4:00 p.m. under
25 identical circumstances.



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1 Later that evening, I met with other
2 judges and poll watchers to compare notes, and my
3 incident was not by any means isolated. This
4 occurred regularly and frequently throughout the
5 day.

6 By allowing too wide a range of acceptable
7 I.D. cards for voting, our current process is
8 disenfranchising legitimate voters, perhaps not
9 intentionally. But at least, in my experience, two
10 voters were denied the right to vote. Okay?

11 I'm sure that we all have, in good
12 conscious, a desire to let everyone vote and vote
13 correctly. But our current unstructured,
14 undisciplined form of voter I.D. is actually
15 contributing to disenfranchisement.

16 In the spirit of full disclosure and
17 fairness, I will tell you that I worked those polls
18 under the guidance of True The Vote, which is
19 organized by King Street Patriots in Harris County.
20 It's a citizen-led initiative to educate citizens
21 and train them to be poll workers, poll watchers for
22 their party candidate or further issues. And I was
23 one of the trainers involved, which is why I had to
24 read all thousand pages of the Texas Election Code.

25 Thank you.



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1 Any questions?

2 CHAIRMAN BONNEN: Thank you.

3 Members, any questions? Thank you.

4 Sumit DasGupta, D-A-S-G-U-P-T-A, Network
5 of Asian Organizers, here to testify against
6 Committee Substitute to Senate Bill 14.

7 SUMIT DASGUPTA: Mr. Chairman,
8 honorable Representatives, I am Sumit DasGupta, and
9 I stand before you as the Vice President of
10 Political Affairs of the Network of Asian
11 Organizations, NAO -- AO for short, to express some
12 fear on NAO's 15 organizations in the Greater Austin
13 area, our deepest reservations about this voter I.D.
14 bill.

15 As a private citizen - it will come up
16 later on when I talk about some of the details - I'm
17 also a computer scientist and an executive at a
18 small company that's involved in chip design and
19 manufacturing. In my role at NAO, I've done
20 sufficient research which leads me to the conclusion
21 that can best be summarized by the statements, is
22 this a solution looking for a problem? And if
23 there's a problem, where is the sufficient evidence?

24 Allow me to express my concerns by
25 punctuating my reservations with some personal



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1 anecdotes and observations.

2 I arrived in the U.S. in 1967 as a
3 graduate student and a teaching assistant, so I had
4 to get a Social Security card, which I did, so that
5 I could get paid. I got my Social Security card and
6 promptly forgot some nuanced changes in the last
7 name, which I ran up against this last September
8 when I had to register for Medicare. I turned 65 in
9 October.

10 So I noticed that my last name was not
11 spelled DasGupta, single word with capital D and
12 capital G, but instead two words, D-A-S capital D,
13 and Gupta, capital G. I then remembered that this
14 is an artifact of mainframe programs of the 1960s.
15 That's been fixed now. But that -- that artifact
16 still exists in Social Security records.

17 And so as part of the registration, I
18 tried to get my name changed to the proper name. I
19 am sorry to tell you, I'm still trying and results
20 are still incomplete. Okay?

21 So just for your information, I've spent
22 25 of my 40-year career at IBM designing mainframes
23 and programming mainframes, so that's some of the
24 problems that we're still faced with because the
25 data itself goes back to the '60s.



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1 So if such a discrepancy that I just gave
2 you showed up between your voter rules and whatever
3 I.D. I have to show during a vote, is that
4 sufficient reason for me to get rejected? That's
5 one example.

6 That was my last name. Let's talk about
7 my first name. It is Sumit, S-U-M-I-T. Can you
8 guess how many times in these 40-plus years I've
9 been in this country where I've been called Summit,
10 S-U-M-M-I-T, and spelled that way? And received
11 mail addressed to Summit DasGupta. With a smile and
12 a joke, I reminded everybody that I am still, at 65,
13 one M short of the top.

14 CHAIRMAN BONNEN: I apologize, but
15 your time is up.

16 SUMIT DASGUPTA: Okay. Thank you.

17 CHAIRMAN BONNEN: Thank you. Any
18 questions, Members? Thank you.

19 Sylvia Guzman, Amigos dos de Patriots,
20 here to testify for the Committee Substitute Senate
21 Bill 14.

22 Jessica Gomez representing Disability
23 Rights of Texas, formally Advocacy, Inc., neutral on
24 the Committee Substitute to Senate Bill 14.

25 JESSICA GOMEZ: Good afternoon. My



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1 name is Jessica Gomez, and I am a voting rights
2 policy specialist at Disability Rights Texas,
3 formally known as Advocacy, Inc. Under the Help
4 America Vote Act, Disability Rights Texas is charged
5 with ensuring the full inclusion of people with
6 disabilities in the electoral process. Thank you
7 for the opportunity to testify on the Committee
8 Substitute before us today.

9 The disability exemption included in the
10 bill before the committee is absolutely necessary.
11 And we thank you, Representative Harless, for
12 including it and Senator Patrick for introducing it
13 in the Senate.

14 People with disabilities are some of the
15 least likely to have photo I.D.s. Many people are
16 unable to work due to the severity of their
17 disability and often unable to drive, and they rely
18 on others to assist them with the activities that
19 require photo I.D.s, such as banking. They live on
20 fixed incomes and face numerous transportation
21 challenges, especially those that live in rural
22 areas. Yet, despite these challenges, people with
23 disabilities look forward to election day when they
24 are able to visit their neighborhood polling place
25 and cast a vote alongside the rest of their



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1 community. Let's make sure that when they get there
2 we do not turn them away because their disability
3 has prevented them from obtaining a photo I.D.

4 I did want to address -- address previous
5 testimony that you have to have a photo I.D. in
6 order to receive disability benefits in the State of
7 Texas or Social Security or veterans benefits. That
8 is untrue. According to policy and procedure
9 manuals from Health and Human Services Commission,
10 you do have to prove your identity, but it does not
11 have to be in the form of photo identifying. There
12 are many other ways to verify your identity. And
13 photo I.D.s issued by DPS is not required to receive
14 Social Security benefits or veteran benefits on the
15 basis of a disability.

16 We also need to ensure that people with
17 disabilities and others know about the new
18 requirements and the exemption by putting more
19 behind voter education than the \$2 million in the
20 current fiscal note. It is simply irresponsible
21 policymaking to pass a bill with a fiscal note that
22 we know is inadequate, especially when the State is
23 poised to cut programs and services that people with
24 disabilities rely on to live.

25 Consider that the State spent \$3.5 million



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1 annually educating voters about the new voting
2 systems when the Help America Vote Act passed in
3 2002. How, then, is two million dollars sufficient
4 to inform voters of the drastic eligibility changes
5 proposed in SB-14?

6 With a large geographic size and rural
7 population, Texas should create mobile outreach and
8 I.D. units that can travel to rural areas and
9 educate people about the new requirements and give
10 them the necessary identification, like Missouri
11 did. This is especially important with people with
12 disability and low income individuals, who are less
13 likely to have access to traditional media outlets.
14 If the intent of this bill is to protect the
15 integrity of the electoral process and not to
16 disenfranchise otherwise eligible voters, prove it
17 to Texans by funding appropriate voter outreach.
18 Thank you.

19 CHAIRMAN BONNEN: Thank you. Any
20 questions, Members? Representative Harless has a
21 question.

22 REPRESENTATIVE HARLESS: Thank you
23 for being here. And you saw the Committee
24 Substitute where we put in there if they can't have
25 the current forms of I.D. then they would be exempt



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1 under the language that you helped us write.

2 Did you also see in the fiscal note that
3 they added additional money for technology for
4 certain disabilities?

5 JESSICA GOMEZ: No, I did not. Would
6 you --

7 REPRESENTATIVE HARLESS: They --
8 it's -- it's on Page 3 of the fiscal note and it
9 talks about technology. They added an additional
10 \$24,000, and they anticipate that there will be --
11 there -- we'll have testimony about the Help America
12 Vote Act, but they did add an additional \$24,000 in
13 there.

14 JESSICA GOMEZ: That's really great
15 to hear. And would that \$24,000 also come from HABA
16 funds?

17 REPRESENTATIVE HARLESS: In here
18 we -- we have a copy of it. We can get you -- it
19 doesn't spell out specifically. It says the
20 Secretary of -- indicates the federal funds
21 associated with Help America Act [sic] may be
22 available for use, but the agency would first need
23 to verify this with the federal government. And
24 we're going to have someone from the Secretary of
25 State testifying later.



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1 JESSICA GOMEZ: Great. That's --
2 that's wonderful to hear. I'm very glad that that
3 was included. However, I would caution Committee
4 Members that the Help America Vote Act funds have
5 been eliminated in the President's budget. So we
6 will likely not be seeing anymore of these. Let's
7 make sure that we don't spend the last of those
8 funds on this and that we reserve some to educate
9 voters about other important things.

10 CHAIRMAN BONNEN: Thank you.
11 Representative Aliseda.

12 REPRESENTATIVE ALISEDA: Perhaps this
13 question should go to Representative Harless, but
14 our version of course today is different than the
15 Senate's version, is that not correct, with respect
16 to the disabled?

17 The Senate version has a doctor's note
18 would qualify for an exemption or requirement for
19 the voter identification.

20 In this version, I believe we're using
21 language that you proposed, which says that a
22 social -- a letter from the Social Security
23 Administration would be sufficient. Is that
24 correct?

25 REPRESENTATIVE HARLESS: That is



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1 correct.

2 REPRESENTATIVE ALISEDA: And when you
3 talked to me about it, I expressed some concerns
4 about doctors' notes, because we've seen what
5 doctors' notes do in Wisconsin, for example.

6 REPRESENTATIVE HARLESS: That is
7 correct.

8 REPRESENTATIVE ALISEDA: All right.
9 I have no further questions. Thank you.

10 REPRESENTATIVE HARLESS: Excuse me.
11 Could I clarify?

12 CHAIRMAN BONNEN: Okay. Do you have
13 a question of the witness?

14 REPRESENTATIVE HARLESS: No. I
15 wanted to clarify.

16 CHAIRMAN BONNEN: Thank you for being
17 here. Go ahead, Representative Harless.

18 REPRESENTATIVE HARLESS: It does --
19 it does say a doctor's -- it does spell out
20 specifically the language, but only if they don't
21 have one of the six forms of I.D., and that was open
22 before. Everyone was exempt with disabilities. Now
23 it says if they have one of the six forms of I.D.
24 then...

25 CHAIRMAN BONNEN: Andrew Joseph, U.T.



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1 student, here testifying against Committee
2 Substitute Senate Bill 14.

3 Mr. Joseph, I need you to completely fill
4 out the witness affirmation, if you would. I need
5 your address and your phone number on this form. No
6 problem. Not a big deal. We just need to get it
7 done.

8 ANDREW JOSEPH: Name is Andrew
9 Joseph. I'm a student at U.T. currently, and I'm a
10 fairly heavy utilizer of public transit. And I feel
11 that this bill -- I mean, the way it's proposed is
12 essentially in a way relegating us to second class
13 citizens where, you know, we -- you know, we have
14 student I.D.s. And we will not be able to use those
15 student I.D.s whenever -- despite the large number
16 of voter registration efforts that are ongoing on
17 campus at any given time. And I feel that as public
18 transit users we are not really given any kind of
19 consideration.

20 You know, it's assumed that just everybody
21 should have a driver's license. But you rely on
22 public transit, as I have many friends and
23 colleagues that do quite often, it's not necessary
24 that you have a driver's license. And even though I
25 know that there are other forms provided, the idea



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1 that this shall be very cumbersome on people to
2 find, you know, these forms of identification, I
3 think just puts the perception out there that --
4 that, you know, the purpose of the bill is for
5 disenfranchisement. I think just the perception of
6 that is dangerous. I think that, you know, other
7 suggestions have been given, such as improving the
8 databases, such as, you know, having a -- you know,
9 day voting registration. I think that -- if those
10 policies were instituted instead of this policy, I
11 think that those concerns would be alleviated.
12 And as I've heard, you know, the Secretary of State
13 from Indiana said that -- that people would become
14 more comfortable allowing various proposals to be
15 floated if these measures were passed. But I don't
16 see why we should have to appease certain groups of
17 people in order to exercise our basic rights as
18 citizens. And with that, I'm...

19 CHAIRMAN BONNEN: Members? Thank
20 you. If you would, please, get that filled out
21 correctly.

22 Diana Gorman, a travel agent representing
23 herself, here to testify for Committee Substitute
24 Senate Bill 14.

25 DIANA GORMAN: Hi. I'm Diane Gorman,



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1 and I live in Dallas. Came from the Rio Grande
2 Valley, so...

3 I just -- thank you, first of all, for
4 letting me speak. But I was sitting out there
5 listening to some of the previous experts, and I was
6 very saddened by some things I heard. And it
7 prompted me to want to come up here. So something I
8 wrote, voter fraud comes in all colors and poor
9 people come in all colors, too. This is not a
10 minority or economic issue, and I'm offended by
11 those who try to pretend it is. I have a friend who
12 called and asked me to vote for her because she was
13 out of town and became very upset with me because I
14 wouldn't do it. She was a Caucasian, a professional
15 and a Republican, so this should not be a Democrat
16 versus Republican or minority versus non-minority
17 issue. This is about protection of the privileges
18 and rights of each and every citizen to have their
19 vote really mean something.

20 This past year I volunteered in the
21 campaign of Debbie Carter (phonetic), who is an
22 African American -- at least that's how some people
23 may see her. But to me she is an American, an
24 unhyphenated American, just like I am. And she is
25 also a Republican. While calling to encourage



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1 people to vote for her, I encountered quite a few
2 instances of people who asked, "Why vote? My vote
3 doesn't matter anymore." They were intimidated,
4 which seems to be the keyword around here today.
5 They were intimidated and kept away from the polls
6 because of voter fraud. They felt like their vote
7 didn't really count; there was too many other people
8 that voted illegally.

9 It is extremely offensive to be called, in
10 essence, a racist just because we have a different
11 point of view, just because we want to ensure that
12 the voters' votes are not diluted by fraudulent
13 voting.

14 I personally don't think this bill is
15 strong enough. I am a proponent of fingerprint
16 voting, but this bill is at least a step in the
17 right direction.

18 I would like to add that I was a recipient
19 of the E-mail that was mentioned earlier about some
20 polling places not being safe. As a woman who is
21 new to Dallas, I very much appreciated that E-mail
22 warning me before I volunteered to work at nights in
23 a high crime area. Thank you very much.

24 CHAIRMAN BONNEN: Ma'am? Are there
25 any questions, Members? Thank you.



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1 Verona Thornton, online retailer, self
2 employed, here to testify for the Committee
3 Substitute to House -- Senate Bill 14.

4 VERONICA THORNTON: I'm Veronica
5 [sic] Thornton, and I support SB-14. I wanted to
6 testify, because I take issue with the race beating
7 that I see here that -- that I'm hearing from these
8 testimonies today. I'm a black woman, but I'm
9 looking at this from a different point of view from
10 regular American black people.

11 I'm a naturalized citizen, and I've been
12 in this country since 1975. I became naturalized
13 and I've worked as a clerk and as a judge in the
14 polling place. And I don't understand why this race
15 beating has to go on. It's an insult to the black
16 community. And this victim mentality need [sic] to
17 stop.

18 Everybody has some kind of I.D. And it
19 seems like there are a lot of provisions that are in
20 this bill that I don't even think should have been
21 there. But I think it's liberal enough for everyone
22 to be satisfied with -- with this bill.

23 People need I.D.s to do practically
24 everything. If you go to Wal-Mart you cannot get
25 your medicine without showing some kind of I.D. And



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1 so that's all I have to say.

2 CHAIRMAN BONNEN: Thank you. Any
3 questions, Members? Thank you for coming.

4 Tonja Michelle Goby Smith, Concerned Women
5 for America, for Committee Substitute Bill 14.

6 TONJA MICHELLE GOBY SMITH: I'm
7 actually Tonja Michelle Smith. I go by Michelle, so
8 I'll try to clarify that. Sorry.

9 Mr. Chairman, Committee Members, thank you
10 for allowing me to speak. My name is Michelle
11 Smith, and I'm the East Texas Area Director for
12 Concerned Women of America. I am also the election
13 judge for Rockwall County Precinct 1D. I have
14 served as election judge for four election cycles
15 since before 2009.

16 Concerned Women for America strongly
17 supports SB-14 in its original form. And I want to
18 stop there and apologize, because when I came to
19 testify, I was here to testify against the Senate
20 Bill amendments. And I saw what you've done to
21 strengthen the bill, and I appreciate that. And
22 we -- it looks good. So thank you for that.

23 And so we also believe that fair and
24 ethical election practices should be practiced here
25 in Texas and across this land. Texas is a shining



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1 star for all of America. And we want it to be
2 strong here. We want the highest level of integrity
3 brought to our voting process here.

4 Upon my tenure as election judge, I have
5 seen how the process works in Texas. Anyone can
6 walk into the election precinct, hand me a voter
7 I.D. card, and I have no idea if that is, in fact,
8 the person on the card or not.

9 We have -- I have heard argument that this
10 will cost the State of Texas a lot of money. How
11 difficult and costly can it be for someone to walk
12 in and show an I.D. versus a voter I.D. card?

13 I will say from my experience as an
14 election judge more than half of the people walking
15 in my precinct hand me a voter -- a driver's license
16 without even being asked, because they don't have
17 their voter I.D. card.

18 I also want to say that our election
19 judge -- our election chairman in Rockwall County
20 requires training each election cycle for us to get
21 refreshed on the rules. So the training is
22 necessary regardless of our -- of what's going on.

23 Understand that there will be some
24 literature costs involved in changing the -- the
25 rules, but I want to say that that cost should not



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1 outweigh the highest integrity we have in our voting
2 process. No matter if you're Democrat or
3 Republican, if you're running for office, you want
4 to make sure that that's fair and just how you're
5 elected.

6 I also want to say we support a clean bill
7 that allow -- that does not allow for any exceptions
8 that could allow fraud or deception, and we ask the
9 Committee to support SB-14 in its original form. So
10 thank you very much.

11 CHAIRMAN BONNEN: Questions, Members?
12 Thank you.

13 UNIDENTIFIED SPEAKER: Thank you.

14 CHAIRMAN BONNEN: Chair calls John
15 O'Brien, Director of the Legislative Budget Board,
16 here to testify neutrally on the Committee
17 Substitute to Senate bill 14.

18 JOHN O'BRIEN: Thank you,
19 Mr. Chairman, Members. My name is John O'Brien,
20 Director of the Legislative Budget Board. And I've
21 been asked to come here as a resource witness. I'm
22 available to ask questions.

23 CHAIRMAN BONNEN: Mr. Veasey, you
24 have questions?

25 REPRESENTATIVE VEASEY: Yeah. I want



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1 to -- no. He's just here to answer questions.

2 Yeah.

3 I wanted to specifically ask you about the
4 fiscal note to the bill. What -- what's the fiscal
5 note that you all have on the bill?

6 JOHN O'BRIEN: The current fiscal
7 note on the Senate engrossed version is a G.R. cost
8 in 2012 of 2 million \$24,000 [sic].

9 REPRESENTATIVE VEASEY: And so --
10 and -- and...

11 CHAIRMAN BONNEN: I want to be clear,
12 we're here taking testimony on the Committee
13 Substitute to Senate Bill 14, so we need to stay on
14 the substitute.

15 REPRESENTATIVE VEASEY: Okay. So --
16 so -- and -- and there's -- and there's nothing --
17 oh, he took -- he took it out of substitute. Is
18 that right?

19 JOHN O'BRIEN: We'll do our -- we'll
20 do our fiscal note on the substitute when you report
21 it on the Committee.

22 REPRESENTATIVE VEASEY: Okay. Yeah.
23 Because I was -- I was worried about the -- there
24 was someone here from Indiana --

25 CHAIRMAN BONNEN: Correct.



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1 REPRESENTATIVE VEASEY: -- I think
2 they said they spent \$1.6 million. And I think
3 their largest media market would be Indianapolis.
4 Gary was in the Chicago market, so they would
5 probably have to spend money in the Chicago market
6 in Gary. But, of course, we have several -- you
7 know, we have at least two major markets,
8 Dallas/Fort Worth and then Houston and then several
9 medium-sized markets. And so it probably cost a lot
10 more than that. So I was concerned about the fiscal
11 note, but --

12 CHAIRMAN BONNEN: No. Please talk
13 about it.

14 REPRESENTATIVE VEASEY: Yeah. And I
15 was just trying to figure out how -- I know that you
16 all had taken that note from the Secretary of
17 State's office.

18 CHAIRMAN BONNEN: (Inaudible).

19 REPRESENTATIVE VEASEY: And I wanted
20 to find out how you came to an agreement on that
21 number.

22 CHAIRMAN BONNEN: Okay.

23 JOHN O'BRIEN: Let me say what the
24 Secretary of State estimate includes.

25 First of all, that they're -- they're



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1 talking about investing about half a million to
2 research ways to inform the public. And then their
3 media educational approach is \$750,000 for T.V.,
4 \$300,000 for radio, another \$300,000 for prints and
5 \$150,000 for Internet education.

6 REPRESENTATIVE VEASEY: Yeah. And
7 see -- and that's a concern, because we -- we would
8 need to probably spend a lot more money than
9 Indianapolis did on television. I mean, if they
10 spent 1-point -- I think the number was 1.6. You
11 know, I'm concerned about just accepting the number
12 from the Secretary of State's office, because it
13 sounds like that maybe you all should have done a
14 little bit more research.

15 Did -- did the Comptroller's office
16 compliment this in any way? I mean, did you all do
17 your own research? Is it normal for you to -- to
18 just take the -- another agency's word for it or do
19 you all --

20 JOHN O'BRIEN: It's not only a common
21 practice, it's a preferred practice. The Secretary
22 of State are the experts on this matter.

23 REPRESENTATIVE VEASEY: Okay. Yeah.
24 That was -- and that was my biggest concern was that
25 this was such a large state that there was no way



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1 that that number's going to cover. I mean, you can
2 talk to political consultants on both sides of the
3 aisle and they'll tell you how much it cost. And
4 you probably have followed campaigns just on the --
5 you know, on the periphery. I know you're not an
6 elected official, but you work in the Comptroller's
7 office. And you probably are interested in the
8 Electoral process like everyone else, and it cost --

9 JOHN O'BRIEN: I speak for the
10 Speaker and the Lieutenant and Governor.

11 REPRESENTATIVE VEASEY: Yeah. It
12 cost a lot of money to advertise in this state. So
13 I'm just worried -- I'm very concerned about the
14 fiscal note.

15 JOHN O'BRIEN: There's nothing --

16 REPRESENTATIVE VEASEY: I just don't
17 think -- I just don't think -- it seems to be a bad
18 number.

19 JOHN O'BRIEN: As we proceed through
20 the appropriations processes there's nothing that
21 stops Senator Ogden and Mr. Pitts (phonetic) from
22 appropriating more if -- if --

23 REPRESENTATIVE VEASEY: Well, but we
24 don't have any money, which is another concern. So
25 if it costs -- if it's going to cost more, you



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